

PLANNING COMMISSION AGENDA
COEUR D'ALENE PUBLIC LIBRARY
LOWER LEVEL, COMMUNITY ROOM
702 E. FRONT AVENUE

FEBURARY 13, 2018

THE PLANNING COMMISSION'S VISION OF ITS ROLE IN THE COMMUNITY

The Planning Commission sees its role as the preparation and implementation of the Comprehensive Plan through which the Commission seeks to promote orderly growth, preserve the quality of Coeur d'Alene, protect the environment, promote economic prosperity and foster the safety of its residents.

5:30 P.M. CALL TO ORDER:

ROLL CALL: Messina, Fleming, Ingalls, Luttropp, Mandel, Rumpier, Ward

APPROVAL OF MINUTES:

11.28.17, PC Workshop
1.9.18, PC Meeting

PUBLIC COMMENTS:

STAFF COMMENTS:

ADMINISTRATIVE:

1. Applicant: Ryka Consulting, Jeff Smith
Request: A request for a one- year extension for SP-4-17, 3857 N. Ramsey Road,

PUBLIC HEARINGS:

1. Applicant: KRB Investments, LLC
Location: 3887 N. Schreiber Way
Request: A proposed Sales/Service Activities Special Use Permit
QUASI-JUDICIAL, (SP-1-18)
2. Applicant: GP Land Co., LLC.
Location: 3895, 3881 & 3871 N. Schreiber Way
Request: A proposed Sales/Service Activities Special Use Permit
QUASI-JUDICIAL, (SP-2-18)
3. Applicant: City of Coeur d'Alene
Request: A modification to the Zoning Ordinance Section 17.01.010
LEGISLATIVE, (0-1-18)

ADJOURNMENT/CONTINUATION:

Motion by _____, seconded by _____ ,
to continue meeting to _____, _____, at ___ p.m.; motion carried unanimously.

Motion by _____,seconded by _____ , to adjourn meeting; motion carried unanimously.

****The City of Coeur d'Alene will make reasonable accommodations for anyone attending this meeting who requires special assistance for hearing, physical or other impairments. Please contact Shana Stuhlmiller at (208)769-2240 at least 24 hours in advance of the meeting date and time.***



MINUTES



**PLANNING COMMISSION
WORKSHOP MINUTES
NOVEMBER 28, 2017
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming
Michael Ward (In at 6:00 p.m.)
Peter Luttrupp
Lewis Rumpler

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Mike Behary, Planner
Sean Holm, Senior Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

Brinnon Mandel

CALL TO ORDER:

The meeting was called to order by Chairman Messina at 5:00 p.m.

APPROVAL OF MINUTES:

Commissioner Messina explained staff received a copy of an e-mail from Annie Harris regarding the approval of the minutes for October 10, 2017, and provided a copy of the email to the commission for their review. He stated there are a few items we should address, and asked Hilary Anderson, Community Planning Director, to go over those items brought forward from Ms. Harris.

Ms. Anderson stated that staff received an email today from Annie Harris, an Associate Attorney with Ramsden, Marfice, Ealy & Harris, LLP, a legal firm representing John Stone. She explained that Ms. Harris had concerns with the discussion in the minutes that reflected the Tilford Place PUD and Subdivision. She explained that Legal has reviewed the email and has suggested from a legal standpoint the ones that needed to be changed. The following is a list of changes that Legal recommended is included in the minutes.

- On page 12, the minutes report that Commissioner Ingalls “*feels people could be blocked from getting into their homes*”. This is the opposite of what Commissioner Ingalls said, which was actually to reiterate that “*from a practical standpoint, [he] just can’t see a scenario where the folks who would live in these potential new houses are going to be blocked access.*”
- On page 15, Commissioner Ingalls noted that there have been situations in the city where there was access to a development across a **private** street and gave the example of Bellerive. The minutes currently report *access to a development through a public street*.
- On page 15, the commission made a modification to condition # 3 and that legal felt that the modification language should be added to the motion. The following is the modified language to condition # 3: *Record a deed dedicating “Tilford Lane” (Tract C Riverstone West 1st Addition and Tract a Riverstone West 5th Addition) without restriction as a public road or satisfactory easements to the City of Coeur d’Alene prior to final plat. The deed shall lift prior encumbrances related to access to adjoining parcels from the previously noted plats.*

Commission Comments:

Commissioner Luttrupp questioned if the approval of these minutes affect the outcome of the vote and suggested that since legal was involved maybe the approval of these minutes needs to be done at our next televised Planning Commission meeting on December 12th.

Commissioner Rumpler commented that the statement from Commissioner Luttrupp regarding transparency is because council felt minutes should be approved at a public meeting. He questioned if it would be appropriate to ask for an update from staff on the resolution to this issue regarding the public/private access on Tilford Lane.

Mr. Adams stated there are ongoing discussions.

Ms. Anderson clarified that it's staff's perspective the minutes were on the agenda, so there is no issue of having the minutes reviewed and approved today versus at a televised meeting, and since we didn't have another meeting this month, it made sense to bring them forward today. She explained some of the minutes went forward to council with a couple items that needed minute excerpts from the October 10th meeting and made sense for the minutes to be approved today, instead of waiting until next month. She questioned if it's the preference of the commission to have the amended minutes brought back at the next meeting in January, or we could make the corrections now.

Chairman Messina feels that the meeting on October 10th was televised and recorded. He felt at this meeting we had a great discussion and the outcome was the approval of the applicant's project. He feels the applicant has a right for clarification on some of their concerns, and depending on the decision of the commission questioned if this is something we can address tonight. He stated that it is his personal opinion that the approval doesn't need to come back at a public meeting, because it's the applicant who is addressing these things and not the general public.

Commissioner Ingalls stated at public hearings you are sitting at the dais and the camera is on and this was a tough hearing. He commented that there was a lot of dialogue with public testimony reopened many times throughout the hearing. He stated as he reads the letter from the City of Coeur d'Alene on the matter, the recorded deeds dedicating Tilford Lane and a tract without restriction etc., is a public road or satisfactory easements to the City of Coeur d'Alene prior to final plat. That's where we landed. He stated during this hearing there was all this dialogue and across the room is staff trying to get all this information down. He stated staff does a great job, and the minutes are not required to be verbatim. He stated the outcome from all the discussion that evening is the project was approved.

He explained with the approval of a housing project, that some protection is required to future buyers that they have a way to get home. He feels through a practical standpoint we have a park and feels people are going to get to the park, so that street is probably going to be public/private and clear to drive on and that nobody is going to buy that street, so people can get to their house. From a practical standpoint maybe it's not that big of a deal, but in the legal world is it good business to a fundamental thing that we do when we approve a plat to make sure that there is a legal basis to get to the house.

Chairman Messina noted another correction on page one under the call to order was Chairman Jordan which should be corrected to say Chairman Messina.

Commissioner Rumpler stated in his motion he will add Chairman Messina's correction and legal's suggested changes.

Motion by Lewis, seconded by Ingalls, to approve the amended minutes of the Planning Commission meeting on October 10, 2017. Motion approved.

Chairman Messina inquired if Mr. Stone and Ms. Harris are ok with this decision and will give them the opportunity to address the commission, but hopefully what we have done is approved, and will be moving forward with our decision.

Ms. Harris stated that they understand that the minutes are not required to be a verbatim transcript of what happened and explained that they were trying to cover their bases, because there is a disagreement between her client, Mr. Stone, and the city, as to what a satisfactory easement needs to contain and thinks there was some discussion omitted pertaining to this easement right before the motion was approved that didn't make it into the minutes. She understands that this meeting was televised and felt the minutes didn't reflect their desires and why she wrote to staff with those items that should have been included.

Chairman Messina stated the ongoing discussion with staff on the easement is out of our hands.

Mr. Stone explained that the city wants to develop 17 lots and tear down the trees in between his property and the city's property and they are trying to not have that happen, and feels that the easement they gave to the city was adequate enough to get to the property. He stated that he recently met with Troy Tymeson, City Finance Director who is representing the city and is trying to get some clarity from both sides, which we are still working on and hoping that the city doesn't hold up this development because of the harm it will create for us.

WORKSHOP:

ZONING CODE AMENDMENTS:

Mike Behary, Planner, stated that the purpose of this workshop is:

- Continue discussing proposed revisions to the City's Zoning Ordinance.
- To wrap up and conclude the Zoning Code Amendment workshops.
- To make recommendation that staff begin preparing the proposed Zoning Code language.
- Discuss the next steps.

He discussed a brief history and then stated:

- The City's Zoning Ordinance has been in need of an update for many years now.
- The Planning Department along with the Building Department has discussed recent developments within the City and has become aware of certain Zoning Codes that need adjustment.
- On June 6, 2017, the City Council adopted a work plan for the Planning Department that included general Zoning Code amendments.
- Following the direction from City Council, workshops were conducted with the Planning Commission to work on the Zoning Code amendments.
- The Planning staff and the Planning Commission held workshops on the Zoning Code amendments on July 11, 2017, and on August 22, 2017.

1. Possible Hardship variance for non-conforming houses destroyed by Natural Hazards

Mr. Behary stated currently the code for non-conforming as to facility is not conforming to activity which is structure and we are going to be focusing on the structure part. Whenever a non-conforming facility is damaged or destroyed to the extent that reconstruction, repairing or rebuilding exceeds 50% of replacement cost of the facility as it was immediately prior to the damage, as determined by a qualified appraiser, the facility may not be restored as non-conforming.

- One question: Should non-conforming residential principal uses that are damaged over 50% be allowed to be rebuilt and meet the zoning required setbacks.

Commission comments:

Commissioner Luttrupp questioned if staff could define "non-conforming". Mr. Behary explained if a house is built with three feet from the side, ten feet from the front and if the house was destroyed more than 50%, they would have to have built twenty feet from the front and five feet from the side to meet our current code.

Mr. Adams explained anything that doesn't meet the current zoning code and setbacks change over time and if destroyed over 50%, would require building under current code.

Commissioner Luttrupp questioned what the purpose of the code is.

Mr. Adams explained if you have to rebuild you are required to comply with current code.

Ms. Anderson stated this question came up during our first workshop with council and Councilman Gookin earlier in the year said "this is a critical item for some of the older neighborhoods where there are houses that are rebuilt, and because of the current setback requirements, there should be a hardship variance that a person can apply for in this circumstance. She explained staff recently received a letter from a resident who recently rebuilt his home and questioned what happens to me if the code changes and the setbacks change and spend all the money on my house that is destroyed more than 50%, then what happens. This is one of those things that we want to discuss. Obviously this is really important for some of these older neighborhoods that if we want to try and preserve the character and to allow that to happen there are certain things that we should also access in terms of how they are rebuilt, and questioned do we want to consider any newer construction and we arbitrarily chose January 1, 2000, or whatever year would be appropriate to say ok, if it was zoned since that date and they had a valid building permit, should we let them rebuild to what it was if it was more than 50% destroyed.

Commissioner Ward questioned what about a detached garage and if a fire destroys a portion of the detached garage and that detached garage happens to be on the lot line. He feels three feet is allowable and it's five feet today.

Ms. Anderson stated it is a zero setback today for the detached setback.

Chairman Messina explained from a builder's perspective, codes change all the time and feels this is a moving target.

Commissioner Ingalls stated he likes the date of January 1, 2000, and feels there are a lot of houses in the 1900's or older on 7th Street or 15th Street and by the Harding School what used to be a market, is now a house. He feels if a house burns down to a percentage of 49.99% they should be required to rebuild, but if it's over 50% destroyed scrape it off, and push it back.

Ms. Anderson stated in the past, staff has been flexible on smaller lots.

Chairman Messina commented with the older homes that some have and some don't have basements and a fire happens that destroys more than 50% of the home but the foundation is still good and if that 50% kicks in and now your setbacks are not current you are forced to rip out the whole foundation and start over.

Mr. Holm stated staff perspective goal is to save the neighborhood character and allow these homes to be rebuilt. He feels that the home should be rebuilt to what that character was and shouldn't be allowed to build on the existing foundation a modern structure that no longer matches the character of the neighborhood.

Mr. Behary suggested some language to allow a new structure's height to match the original structure, as stated by Mr. Holm and not to exceed the above ground square footage.

Chairman Messina stated if the existing foundation has not been structurally damaged that is what we have to build on, however, you want to address the height and suggested a lot of people don't want to rip out their foundation. He feels if they rip out their foundation, maybe they have to rebuild using the current codes.

Commissioner Ward feels if you rip out the existing foundation you are in essence subjecting

yourself to the entire new current code.

Commissioner Rumpler questioned do we want to build to the character of the neighborhood.

Commissioner Messina feels if you take the foundation, you have to go with the current codes.

Commissioner Luttrupp feels the foundation is the footprint.

Commissioner Fleming stated the City of Hayden has a hardship permit the applicant can apply for.

Ms. Anderson asked if the commission has a preference on newer construction and sounded like the commission wasn't as worried about that because the code does change. She questioned if the older homes should have a date range for those and if the commission has a suggestion on that date.

Chairman Messina suggested 1946.

Commissioner Ingalls concurred with Chairman Messina on the date and stated it again ties back to the existing foundations.

Commissioner Rumpler questioned how many of these rebuilds occur on a regular basis.

Mr. Holm explained that sometimes they come in waves; with maybe one or two a year, then not see one for a year or two. He explained that staff looks at the 50% and we know the rule but a family just lost their house, so if there is some leniency and anything staff can do, we will do it, but we are not going to allow them to build to a standard that is completely off the chart.

Commissioner Ingalls concurs with staff, however, we give the words that enable staff at the end of the day dealing with these situations on the front line processing all of these requests and staff should have the flexibility that enable them to do the job.

Mr. Behary questioned if the commission feels this should be an administrative process or a public process.

The commission concurred it should be handled as administrative.

2. Setbacks for accessory buildings

Mr. Behary explained that staff looked at what other cities were doing as far as setbacks and right now our code says zero feet from property line and that staff looked at Vancouver's setback requirement which was two feet and that staff feels they concur that two feet might be the right number and would like feedback from the commission.

Commission Comments:

Commissioner Ingalls stated in the past we have kicked around different numbers.

Chairman Messina feels that we should have a setback, because as an example, if you have a roof overhang and it overhangs 12-18 inches, with no setbacks you are going to run into someone's property. He feels we should have a setback.

Commissioner Ingalls concurs and in the past has had discussions with staff and questioned what is the magic number and feels five is too much.

Commissioner Ward referenced Alpine Point and during that hearing one gentleman who had a shop that was built on his property line stated his issue was with new homes being built behind

him how was he going to do maintenance and access his building, without trespassing on someone else's property. We need a setback.

Commissioner Fleming feels three feet makes sense, because it is small enough a truck can't pass through but big enough to do some clean up.

Commissioner Rumpler stated he is curious what drives the choice by staff.

Mr. Behary explained that staff based their decision on how big the lots are in the different cities, what their community is like, and what they wanted to do in each area is different and how they involve their cities.

Ms. Anderson clarified at our last discussion; we picked three feet and then after talking with the commission and doing our research, decided maybe two feet makes sense, because there are a lot of detached garages, especially in the older neighborhoods, with a zero setback and someone might feel constrained even though they are not non-conforming, so with two feet, it will allow them to get closer especially in older neighborhoods, that currently have zero setbacks.

Mr. Behary stated that the building code says you can only have a four-inch eave if you are two feet from the property line.

Ms. Anderson inquired if the commission was ok with the four feet separation between the buildings so if you had two feet on one side of the property line and two feet on the other the four feet was fine from the building code perspective.

Commissioner Ingalls feels zero setbacks is problematic, five is too restrictive, so he would vote for two since staff has researched this and it's their recommendation.

The commission discussed and recommended a three foot setback.

3. Shipping Containers

Mr. Behary questioned if we should allow shipping containers in residential neighborhoods. Ms. Anderson clarified that this is a continuation of the previous workshop discussion where the commission supported restricting shipping containers in all residential zones, C-17L, DC and all infill zoning districts.

Commission Comments:

Commissioner Luttrupp commented they should be allowed if they are only for storage and not for living.

Ms. Anderson explained that this is tricky because there are uses such as shipping containers using them just as they are or you can take them apart and use as container structures which we previously discussed at our August workshop.

Commissioner Rumpler questioned if there is a difference between commercial and residential, because in a commercial setting it might be appropriate for these things, but feels it shouldn't be allowed in residential neighborhoods.

Commissioner Ingalls stated there has been a lot of heartburn with shipping containers in the downtown core, and feels if the overlay districts downtown, midtown overlay and east Sherman districts shouldn't be allowed to have shipping containers in a back lot and use it for storage. He stated as an example, a store like Black Sheep that is located in a less restrictive zone and not in a commercial overlay zone is permissible. He feels in the past there have been some creative things done with shipping containers which is a different situation.

Chairman Messina stated that there are storage containers being used as homes.

Commissioner Ingalls feels if a storage container is being used as a home it's a building product.

Commissioner Luttrupp questioned if a shipping container can be put anywhere.

Ms. Anderson explained that in the packet is an example from Deer Park that stated they would differentiate and that the code should say that an accessory storage building is different than a shipping container, or it can be clarified so it isn't the same.

The commission feels a container is not a structure.

Commissioner Luttrupp questioned if we can have the same rules for a shipping containers as we do for a mobile home.

Commissioner Rumpler commented per the Deer Park code that they suggested that a container is a unique element; it's not a mobile home, it's not these other things, and feels that would be kind of useful he thinks to get out of the "gray" areas where you can actually specifically apply, and he questioned what is storage.

Commissioner Ward questioned if they issue warranty deeds on shipping containers that have been converted to homes.

Mr. Adams stated the code says if it's personal property and could be fixed to the land like a mobile home, then it would pass by a warranty like a Quit Claim or a Warranty Deed, but for the most part, a shipping container is considered a temporary box to ship things in and therefore personal property rather than real property.

Chairman Messina feels if the storage container is not attached to the foundation then it is a movable object.

The commission discussed and feels that shipping containers should not be allowed in residential neighborhoods.

Mr. Behary explained that it's staff's recommendation that shipping containers should only be allowed in C-17, M and LM zoning districts if used for storage, and should be required to have a foundation, ventilation, a panic door and meet screening and landscape requirements (if applicable). He explained that storage containers are air tight and someone could get stuck in one and can't get out.

The commission concurred and will take staff's recommendations.

Mr. Behary explained if a shipping container is modified into a container structure, it should be subject to size, height, setback, and permit requirements, all applicable design guidelines, and reviewed as if it was a structure to ensure that it meets the Fire, Building and Zoning codes. He inquired if the commission was ok with this recommendation.

Chairman Messina's view is a container structure should go by the code.

Mr. Behary further explained staff's last recommendation that the exception would be if a shipping container is being used for temporary storage, similar to a POD, and is being used for only up to 90 consecutive days.

The commission concurred that 90 days is reasonable.

Mr. Behary inquired if this should be allowed in the Downtown Core.

Chairman Messina stated that 90 days should apply to any of the special areas that is addressed in our Comprehensive Plan. He inquired if the commission was agreeable to 90 days for a temporary storage container in the DC or not.

Commissioner Ward inquired if there was another number other than the 90 days. Ms. Anderson explained that it states 90 days in the existing code.

Mr. Behary questioned what about an existing shipping container.

Mr. Holm stated he would like some clarification about existing shipping containers and questioned if we are going to grandfather them in.

Chairman Messina inquired if staff could tell him how many existing shipping containers we have in the city.

Ms. Anderson explained that there are not many currently in residential areas.

Mr. Adams explained that staff has taken the position that our code doesn't allow these anyway, so this code is going to be allowing them in certain places. He stated if we wanted to, we could make them move now. He commented that technically, they are illegal anywhere in the city, we can have them removed now we are just legalizing them, like short term rentals and we are legalizing them in certain zones.

Commissioner Luttrupp feels that we have to be careful and not shoot ourselves in the foot.

Commissioner Fleming feels that 90 days is enough time for people to get rid of their containers.

Commissioner Rumpler inquired if staff is going to adopt the language in the Deer park Code.

Mr. Behary stated that staff feels that would be a good idea to clarify what those two definitions are.

Chairman Messina inquired if there is going to be a notice for existing storage containers saying that, sorry your 90 days is starting and you will need to remove it.

Staff recommendations: Staff researched other communities and found language in the Deer Park, WA code that addresses cargo containers. Staff proposes similar language that also clarifies that shipping containers are not the same as storage sheds or accessory structures. (See staff recommendations).

4. Life Safety – Egress Windows

Mr. Behary explained that currently, egress windows come out 36 inches from the house and normally houses are setback five feet from the property line in older subdivisions, and that leaves two feet from the property line, but our code only allows for 2 ½ feet projection into the side yard. As an example, a parking lot is six inches and showed an illustration showing the setbacks. He stated by code they have to be 36 inches to get people in and out safely.

Commission Comments:

The commission will take staff's recommendation: Allow an egress window well to have a two foot setback from the side property line.

5. Caretakers Apartments

Mr. Behary stated at our last workshop on August 22nd the commission asked staff to look at different caretaker units around the city to see what the average square footage is for a caretaker's apartments and found an existing unit was 1,292 square feet.

Commission comments:

Commissioner Ingalls stated as an example, mini storages have allowed a place for a caretaker to live and why we wanted staff to comeback for a recommendation.

Chairman Messina commented that a 1,400 square foot caretaker apartment is generous. He asked for the commission's input.

The commission discussed and likes staff recommendations to allow caretaker apartments to be a maximum of 1,400 square feet attached or detached. The code should also require an affidavit similar to ADU tying the caretaker unit to the use, establishing that it is for an employee or owner of the business and not an active commercial use, and if the unit is detached from the principal use, that it cannot be subdivided.

Mr. Behary stated that it is important to have an affidavit.

Ms. Anderson explained that we had a request come forward recently, it was larger and one of the reasons they talked about the size and wanted it to be an accessory to and tied to the commercial so at the last workshop the commission sounded like they agree that this should be tied to a commercial business and they can't subdivide off the residence from the commercial use and added this in the code to tie the two together.

6. Open Space

Mr. Behary explained that staff feels that a discussion on open space should come after the Comprehensive Plan gets adopted before we adopt the specific language for open space. He stated that staff broke this down into three areas: open space for natural areas, open space projects and open space public.

Commissioner Luttrupp stated that at a previous Planning Commission meeting, the previous Park and Recreation Director came before us a couple meetings ago and commented that the director wanted to have some commercial activity on the property so they can help pay for the park. He stated that he feels that the Director is not wrong, but felt the previous Park and Recreation Director had a strong view that parks have a certain value to the community. He stated that parks add value to everything. The city gets value from the use of the property as a park not from selling beer. He feels that the Parks and Recreation Director need to come back and address this subject.

Chairman Messina stated this is an important thing to define and agrees with staff to work on the Comprehensive Plan and figure out what open space really is and he has been at meetings where the applicant talks about open space and it is where you have your snow plow. He brought up sub-committee and questioned if staff thought it was a good idea. He feels that we need more discussion on this to get clarification.

7. ADU – the size to be allowed in basement and parking requirements:

Mr. Behary stated at the last workshop, we discussed basements and the commission decided it was ok to have an ADU in a basement, but needed clarification on the size. He stated that staff suggested 700 square feet and that Bend Oregon is 600 to 800 square foot maximum, and that Vancouver, BC has 968 square foot maximum or 40% of total floor area.

Commission Comments:

Commissioner Rumpler stated that in Bend Oregon, 700 square feet makes sense.

Chairman Messina questioned if we should require one off-street parking space for the ADU.

Ms. Anderson stated there was support for this at the last workshop.

Chairman Messina feels that 700 square feet is great, which might open up to a lot of little 700 square feet or less unfinished basements around town. He feels instead of letting everyone do that we should have an off street parking requirement. He feels if you want someone hanging out down there that's great, but you need to provide some parking, otherwise the neighborhood would be crowded.

Commissioner Ingalls concurs that one off street parking space should be required.

Mr. Holm feels that is great because it will blend nicely the Vacation Rental Ordinance that is coming forward for approval. He agrees with staff that one space for all ADU's would work great with the Vacation Rental Ordinance.

Ms. Anderson inquired if we want to require this for all ADUs moving forward in the basement or detached or wherever.

Mr. Holm clarified that we have seen this situation come up quite a bit. For example, if someone wants to convert a basement into an ADU, generally they are allowed to use 40% of the basement, but if the basement is the same size as the upper floor which is 1200 square feet they only get to use 40% of that and its only 300 square feet but the basement he questioned how do you handle only allowing 300 square feet inside of a basement that's actually 1200 square feet. You know that 90% of the time, the moment they get their Certificate of Occupancy (CO) they will go away. We need your thoughts.

Chairman Messina stated we have to trust them a little bit.

Mr. Adams stated if you get information that someone is over-occupying, you can go in and inspect and cite them if they are in violation of the code.

Mr. Behary added that we want to make sure the doors to the ADU are not visible from the street like a duplex.

Chairman Messina questioned what do you do about the daylight basement and questioned if there are many daylight basements in town. He questioned if we should have the same requirements for a basement as we do an ADU.

The commission feels that daylight basements should be consistent.

8. Parking in front yards in residential neighborhoods

Commission Comments:

Chairman Messina questioned if are we trying to say no parking in front yards.

Commissioner Ingalls feels we should have a setback for access.

Commissioner Luttrupp commented he concurs that we should require a setback.

Mr. Behary suggested some things that we might consider for a hard surface is either asphalt or concrete.

Commissioner Fleming stated that you can't park in front of a principal structure and that doesn't allow you to put asphalt in the front door and park there. You have to put the asphalt either on the side of the house or on the backside or whatever. She doesn't want to see a car parking in front of the house.

Commissioner Messina suggested that if you want to park on the property you would need a curb cut.

Commissioner Ward concurred that there needs to be a place to take a vehicle off the parking surface and if there were curb cuts, which would be approved through the building process for private parking. He stated perhaps that would require putting a structure over the top of it.

Mr. Behary stated that our code isn't clear that you can't do this.

Mr. Holm stated that we would require an encroachment permit that requires the site be away from the property line and once you hit the property line, then Planning doesn't have any guidance depending on what side of the lot you are on either the driver or passenger might not be able to get out. He has warned people and stated if your neighbor puts up a fence you are not going to be able to get out.

Ms. Anderson suggested bringing back some code language on this and that Post Falls had language that could be plug and play that works really well and is very clear on where you can or can't park and what improvements can be made.

Chairman Messina suggested staff bring back some suggested language from Post Falls.

COMPREHENSIVE PLAN:

Sean Holm, Planner, explained the agenda and stated that we are still in the early stages up to this point and we are not going to do a complete rewrite of our plan, rather, we are going to do an update of the plan. He stated at the Planning Commission workshop on July 11th, we discussed that the current plan doesn't have the nuts and bolts that Planning Commission would like to see in the Comprehensive Plan. He stated they suggested the plan should be updated to reflect a more content driven style that incorporates a defined future land use map, sub area neighborhood plans, a focused economic development blueprint and addresses sustainability/resilience at the local level. He stated as you are thinking about those things, also be thinking about other things that we may have missed. He questioned how we go about this and discussed having other consultants for certain elements of the plan.

Ms. Anderson explained that Community Builders is willing and interested in helping us not only with East Sherman, but would also like to discuss the types of housing that would fit in the Comprehensive Plan.

Mr. Holm stated staff reached out to the City of Madison, WI, that has recently gone through an update of their existing Comp Plan and had a budget of \$500,000. Staff received some great information during their phone conference with the City of Madison on how to get through the process. He stated that their timeline for the completion of their Comp Plan was two years. He added that staff also approached a consultant; Studio Cascade from Spokane, WA, who was hired by the City of Post Falls to work on their Comprehensive Plan with an estimate of \$176,694.

Commission Comments:

Commissioner Ingalls stated that over the years we have "gobbled up" the easy R-8 stuff and what is left is the infill areas that need to be defined in the Comp Plan.

Ms. Anderson explained that when she recently met with Bill Grimes, of Studio Cascade, he talked about the different areas in the country where they were working and he mentioned a few ideas from the other cities that might work for Coeur d'Alene. He provided a list of those cities to review.

Commissioner Ingalls questioned if that meeting with Mr. Grimes intended to get information to enable the city to write a better RFP.

Ms. Anderson explained that we want to make sure the Comprehensive Plan is user friendly and to promote community engagement which is huge and something that both Madison and Bill Grimes both really focused on how do we get people to come and give input that don't normally come to meetings. She stated that they had a few ideas, such as: play space meetings, pop up meetings and other things to get people involved in their community and process.

Commissioner Ward commented before doing an RFP, a discussion should be with staff on the amount of work we intend to do on the Comprehensive Plan and maybe when we have that answer the budget might not be as much as Post Falls.

Ms. Anderson explained that we might be able to have some cost savings using some community involvement, CDA 20/30, staff, and the commission.

Commissioner Rumpler stated that the Comprehensive Plan is a document that we use on a regular basis when making findings and could be used as a great tool to promote the community to other businesses who are interested in locating to our city.

Commissioner Ward stated we have to have other community investors.

Commissioner Luttrupp stated that it is important to pick cities comparable to Coeur d'Alene.

Commissioner Ingalls commented that after he read the Comprehensive Plan, he felt that it was pretty good and doesn't think we need to rewrite the entire Comprehensive Plan. He explained that he used to go to the NIBCA (North Idaho Building Contractors) meetings every month and many times Coeur d'Alene was praised by many contractors who thought our Comprehensive Plan was great. He would suggest that staff send out a Survey Monkey asking the community what we are doing right and what we are doing wrong.

Mr. Holm explained this year we have a budget of \$40,000 and hopefully the next two following years we can get \$50,000 per year to be a grand total of \$140,000. He is confident that we can do some of the update ourselves but would consider hiring a consultant to do the economic components which he would not be comfortable to do in house.

Commissioner Ward stated that he is the current Chairman of the chamber and sees a lot of opportunities for the chamber's involvement during our process as a great resource for information and volunteering.

Commissioner Fleming stated that she has read the Comp Plan and concurs with Commissioner Ingalls that it is pretty good but missing a few things, such as the property North of I-90 and would like that area more defined. She explained with the big boxes closing, such as K-mart, we need to think about those properties and addressed in the Comprehensive Plan. She explained that the existing Comp Plan was a good start, but we need to look at the bigger picture North of I-90, and not focus on downtown which has been the focus for many years.

Commissioner Luttrupp commented that he is interested in Night Sky Regulations, the use of LED lights in neighborhoods and the location of massive structures. He stated that the city is known for its many trees and with increased development, the trees are disappearing. He stated that before any money is spent on a consultant, we need to discuss amongst ourselves and the community what needs to be done.

Commissioner Ward commented that he was at the Silver Lake Mall for the opening of the new SPI call center that is now in the space that was Sports Authority. He questioned why their company chose this area and they stated that they saw Coeur d'Alene as a city that was growing and will be adding 700 jobs to the community. He stated that the brick and mortar stores are going away with the use of on-line shopping and malls are being vacated. He commented that he read in other areas of the country that cities were using these vacated malls and converting them to indoor apartment complexes with the idea that you could live and play indoors. He thinks that this is something the city should consider.

ASSIGNMENT:

Chairman Messina directed the commission to read the Comprehensive Plan and to email all your comments to Mr. Holm and make sure that you copy everyone so we can see all the comments going to staff.

ADJOURNMENT:

Motion by Ingalls, seconded by Fleming, to adjourn the meeting. Motion approved.

The meeting was adjourned at 7:36 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION
MINUTES
JANUARY 9, 2018
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming
Michael Ward
Peter Luttropp
Lewis Rumpler
Brinnon Mandel

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

CALL TO ORDER:

The meeting was called to order by Chairman Messina at 5:30 p.m.

APPROVAL OF MINUTES:

Motion by Fleming, seconded by Mandel, to approve the minutes of the Planning Commission meeting held on December 12, 2017. Motion approved.

COMMISSION COMMENTS:

None.

STAFF COMMENTS:

Hilary Anderson, Community Planning Director provided the following comments:

- There are four items scheduled on the February 9th Planning Commission meeting, including the zoning amendments that were discussed at the workshop held on November 28, 2017.
- Work on East Sherman is starting with a conference call with our consulting team, Community Builders and Cascadia Partners. In March, plans are to schedule an educational workshop open to the public to discuss the design of East Sherman.
- She stated that earlier this week, she was interviewed by a reporter for the Inlander who is doing an article on "Growth in North Idaho," and after the interview was told that the article would be in the Inlander this week.
- The short term rental fees are going to City Council for approval next week. The Council will be considering fees for the permit and the renewal and once those are approved, they can start issuing permits.

- She wanted to give kudos to Commissioner Ward who did a great job introducing the Mayor at the State of the City address held at the Coeur d'Alene Resort this morning.

PUBLIC COMMENTS:

None.

PUBLIC HEARINGS

1. Applicant: Idaho Waterfront LLC
 Location: W. Tilford Lane
 Request: A modification to Tilford Place PUD
 QUASI-JUDICIAL (PUD.2.17m)

Hilary Anderson, Community Planning Director, stated that Idaho Waterfront, LLC is requesting approval of a minor modification of the "Tilford Place" approved Planned Unit Development which is a 13-lot (6 tract) residential development for two existing parcels totaling +/- 1.66 acres.

Ms. Anderson provided the following statements:

- The applicant is asking to reduce the minimum rear yard setback from 15' to 10'.
- She presented a photo of the subject property.
- She explained that on October 10, 2017, the Planning Commission approved the request for the "Tilford Place" Planned Unit Development (PUD) and preliminary plat.
- She showed a map of the preliminary plat showing the areas for "open space"
- She explained the following deviations approved for the "Tilford Place" PUD
 - **Setbacks:**
 - A reduction of the rear yard setback from 25' (code standard) to 15' and 5'/5' side yards (code standard 5'10')
 - **Lot Area & Frontage:**
 - Reduction from 5,500 sf. to a minimum of 4,000 sf. for single-family homes.
 - Reduction from 50' frontage to 40' for single-family homes.
 - **Miscellaneous:**
 - Private streets which are required to request a gated entry.
 - Private gated entrance
 - Sidewalk on only one side of the street
 - Reductions to the required road right-of-way width from 55' to 20', 39' and 44'.
- She presented a map showing the modifications to the rear yard setbacks.
- She explained the required findings for this project.
- She stated that in the Comprehensive Plan this area is designated as Spokane River District-Stable Established.
- She presented various site photos of the subject property.
- She presented a map showing the various land uses surrounding this property.
- She presented various renderings of the proposed architectural styles for the homes on this property.
- She stated that there are eight (8) previously approved conditions.
- Ms. Anderson concluded her presentation and asked if the commission had any questions.

Commission Comments:

None.

Public Testimony open.

Rick Gunther, applicant representative, provided the following statements:

- He stated his team is requesting an additional 5 foot setback to the rear yard that would give them more flexibility when designing the homes.
- Mr. Gunther concluded his presentation and asked if the commission had any questions.

Commission Comments:

Commissioner Fleming inquired what type of fencing is the applicant intending to put around the property.

Mr. Gunther commented that he does not know what type of fencing is planned for the development.

Commissioner Fleming stated that she hopes the fence around the property will be “site obscuring”.

Mr. Gunther stated that he appreciates the comments and feels that the applicant will provide a fence that will be complimentary to the surrounding area.

Public Testimony closed.

Discussion:

Commissioner Ingalls feels that this project makes sense; however, he would caution the commission to be careful as they go forward after approving projects like Meadow Ranch, Cottage Grove, etc. that 10% percent open space is the set standard and stated they should be cautious.

Chairman Messina explained that with every project such as a subdivision that is always asking for something different such as setbacks, open space but overall the process is working.

Commissioner Ingalls explained that this project works because it is a unique pocket housing development that is surrounded by commercial businesses. He added that they haven't heard any public testimony stating that this won't work.

Commissioner Luttrupp commented that in the future, he suggests that maybe the commission can discuss some type of standard for fencing that would work with these unique projects.

Commissioner Fleming stated that she was absent when this was originally presented and commented that she frequently works in this area and finds that in regard to these “Cottage Style” Fort Ground-look homes, the design is on its way out. She explained that the Riverstone area is moving more toward the ‘millennial’ and more edgy and feels this is an isolated look. She feels this development is very conventional where the design of the doors are facing each other and don't have any nod to the river or lake.

Motion by Ingalls, seconded by Rumpler, to approve Item PUD-2-17m. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	No
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Rumpler	Votes	Aye
Commissioner Ward	Voted	Aye


Motion to approve carried by a 5 to 1 vote.

ADJOURNMENT:

Motion by Rumpler, seconded by Ward, to adjourn the meeting. Motion approved.

The meeting was adjourned at 6:05 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



ADMINISTRATIVE

**PLANNING COMMISSION
STAFF REPORT**

FROM: SEAN E. HOLM, SENIOR PLANNER
DATE: FEBRUARY 13, 2018
SUBJECT: SP-4-17 – REQUEST FOR ONE YEAR EXTENSION FOR AN APPROVED WIRELESS TELECOMMUNICATIONS SPECIAL USE PERMIT IN A C-17L ZONING DISTRICT
LOCATION: A +/- 0.55 ACRE PARCEL WEST OF RAMSEY RD AND SOUTH OF THE KATHLEEN AVE INTERSECTION ALSO KNOWN AS 3850 N. RAMSEY

APPLICANT:

Verizon Wireless (Jeff Smith- Ryka Consulting)
918 South Horton St. Suite #1002
Seattle, WA 98134

DECISION POINT:

Verizon Wireless is requesting a one year extension for the approval of a Special Use Permit to construct a new 70' foot wireless telecommunications facility at property currently addressed as 3850 N. Ramsey Road.

GENERAL INFORMATION:

This request came before Planning Commission on May 9th, 2017, and was approved unanimously 4 to 0, with conditions (provided below). If the extension is approved, the new date of expiry will be May 9th, 2019, all the conditions will be in full effect. The applicant has requested a one year extension for their approval, as allowed by city code:

17.09.230: ADHERENCE TO APPROVED PLANS:

A special use permit shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the permit shall terminate one year from the effective date of its granting unless substantial development or actual commencement of authorized activities has occurred, or if there is a cessation of use or occupancy for two (2) years.

However, such period of time may be extended by the planning commission for one year, without public notice, upon written request filed at any time before the permit has expired and upon a showing of unusual hardship not caused by the owner or applicant. (Ord. 1691 §1(part), 1982)

Aerial & oblique views:



Oblique view:



The applicant's extension request letter is attached for your review.

APPROVED CONDITIONS FROM MAY 9TH, 2017:

PLANNING:

1. A “monopine” (or other design approved by Planning Commission) to achieve a stealth look to the tower will be required.
2. The project must adhere to the site and landscaping plans.

FIRE:

3. The proposed access road must be engineered to meet an imposed maximum load of 75,000 pounds.
4. This access must have a maintenance plan to include snow removal and storage.
5. Signs stating ‘NO PARKING-FIRE LANE’ shall be posted along the access road for Fire Dept. access to the site.

DECISION POINT:

Planning Commission must consider the request for a one year extension of a wireless telecommunication special use permit and vote to approve or deny the request.



January 24, 2018

City of Coeur d'Alene
Planning Commission
710 East Mullan Avenue
Coeur d'Alene, ID 83814

VIA EMAIL: SEAN HOLM - Planning Department (SHOLM@cdaid.org)

RE: ID1 Blalock – Verizon Wireless Special Use Permit SP-4-17

On behalf of Verizon Wireless, I applied for and obtained Special Use Permit SP-4-17.

As set forth in the attached letter from Sean Holm dated May 10, 2017 regarding SP4-17:

Section 17.09.230 of the Municipal Code states that a Special Use Permit shall terminate one year from the "effective date" of the granting on, May 23, 2018, unless substantial development or actual commencement of authorized activities has occurred, or unless an extension is granted by the Planning Commission. It is your responsibility to submit the required application or extension documents before the approval terminates.

All of the major wireless communications carriers are currently rapidly expanding their wireless networks. The expansion of networks is a response to the ever-increasing demand for reliable wireless communications service and particularly to expand the capacity of the networks to handle the exploding voice and data traffic. Consider:

- The average North American smartphone user will consume 48 GB of data per month in 2023, up from just 5.2 GB per month in 2016 and 7.1 GB per month in 2017. (Ericsson Mobility Report, November 2017)
- Data traffic grew 65% between Q3 2016 and Q3 2017 (Ericsson Mobility Report, November 2017)

Existing wireless networks have a finite capacity to handle voice and data traffic. When capacity is exceeded, the result can be lost or dropped calls.

Construction of wireless facilities is a highly specialized field and the qualified pool of people to construct new facilities is limited. The carriers' scramble to increase network capacity to meet the exploding demand exceeds the growth in the available resources to construct new facilities causing short-term delays in the deployment of the necessary and essential infrastructure. Because of limited resources, commencement of the construction of the proposed facility in the City of Coeur d'Alene that is the subject of this letter may not take place by the expiration date of the land use permit.

Wireless communication – cell phone service – is essential to public safety. Consider:

- 76% of 911 calls originate from a cell phone (National Highway Traffic Administration, February, 2016)

Verizon Wireless is committed to meeting its customers' needs and increasing demands and will construct its new facility in Coeur d'Alene as soon as it is able.

On behalf of Verizon Wireless, please consider this as a request to extend the effective date the above-referenced permit to May 23, 2019.

Please let me know if additional information is required for this request.

Thanks.

Jeffrey S. Smith

On behalf of Verizon Wireless

208 255-9905 - mobile
206 523-1941 - office
jsmith@rykaconsulting.com
www.rykaconsulting.com

enclosure

Letter from Sean Holm dated May 10, 2017 regarding SP4-17

Applicant: Ryka Consulting
Location: 3857 N. Ramsey Road
Request: A proposed Wireless Communication special use permit in the C-17L (Commercial Limited) zoning district QUASI-JUDICIAL, (SP-4-17)

Sean Holm, Planner, presented the staff report and explained that Verizon Wireless is requesting approval of a Special Use Permit to construct a new 70 foot wireless telecommunications facility at property currently addressed as 3850 N. Ramsey Rd.

Mr. Holm provided the following statements:

- The site will operate continually, 24 hours a day, 7 days a week.
- The site will be unmanned, requiring infrequent visits by maintenance personnel, typically once a month.
- The proposed facility is a passive use; there are no activities that will produce airborne emissions, odor, vibration, heat, glare, or noxious/toxic materials.
- According to the FCC regulations, this proposal will not create adverse radio interference with residential uses of electronic equipment.
- The applicant, after having a conversation with staff, will be adding an additional 10' of height (from 60' to 70') to allow an additional carrier sometime in the future.
- He went through the required findings for this project.
- The Comprehensive Plan designates this as Stable Established.
- He showed various aerial and oblique views of the property.
- He stated that the zoning of the property is C-17L.
- He showed a rendering of the proposed site plan showing the location where the telecommunications facility will be located.
- He noted the listed comments from various staff departments regarding this project.
- He stated there are five proposed conditions included in the staff report.
- The issue is the amount of data cell phone towers can supply (see new condition).
- Mr. Holm concluded his presentation and asked if the commission had any questions.

Commission Comments:

Commissioner Messina inquired regarding an interpretation on a triangular property at last month's meeting and questioned if that property is part of this property.

Mr. Holm responded that it is and stated that the special use permit was for the corner of that piece of property.

Commissioner Messina inquired if the applicant intends to put some additional buildings on this site and questioned if there is room for the cell tower.

Ms. Anderson explained that this parcel is north of the other parcel and explained that there are no restrictions that would limit putting a cell tower on this property. She explained that the other request was for an interpretation on a strip mall which won't apply with this request.

Mr. Holm explained that a cell tower is considered a facility, and not a building, since nobody would occupy it.

Commissioner Fleming inquired what setbacks would be required if another building was to be located next to this building.

Mr. Holm explained that there are some requirements for some separation and that is something that the Building Department and Fire Department would review. He commented that the type of items they would

review is the type of construction and to see if it is compatible.

Commissioner Fleming inquired who is responsible for the upkeep of the grassy area around the tower.

Mr. Holm stated you will have to ask the applicant that question who is present tonight.

Commissioner Luttrupp commented that he would guess that the cell tower would be similar to the tower located at 23rd and Coeur d'Alene Lake Drive. He feels that later this year the commission is looking at revising the wireless ordinance, and from that discussion, we might have some new technology that we might be able to use.

Mr. Holm stated we can't dictate the technology, but we can dictate where the tower is located. He explained that sometimes companies need more than one tower.

Commissioner Luttrupp inquired if we have the authority to decide the proximity to each other.

Mr. Holm stated that is correct.

Ms. Anderson explained that part of the discussion for revising the wireless ordinance is addressing the new technologies.

Public Testimony open.

Jeff Smith, applicant representative, provided the following statements:

- He commented that staff's presentation was great.
- He stated that they agree with staff's comment that the proposed location is approximately 350' from the edge of the one mile radius of an existing tower and agrees with staff's analysis.
- He thanked staff for suggesting an increase to the height of the tower to 70 feet, which will help improve customer service.
- The landscaping around the tower will be maintained by Verizon and the property owner will maintain the other landscaping on the property.
- He explained that there was an existing tree on site that was in bad shape and Verizon will add two trees to the area and replace the existing tree. He stated that this property had some design obstacles since there is a gas line that runs through the property.
- He noted that Verizon is not against using a monopine design when required but explained from their view that with a monopine design if there needs to be some work done as it is difficult working around the arms on the pole. He stated that they would paint the tower green to blend in to the existing trees on site but if the commission would require a monopine design that Verizon would be agreeable to that as a condition.
- He asked the commission if they had any questions.

Commission Comments:

Commissioner Messina inquired if the applicant has driven past the cell tower on Coeur d'Alene Lake Drive and explained that this is a busy intersection and feels that the monopine design would work well in this area and not look like an eyesore.

Mr. Smith explained that he is aware of that tower and feels that in the last 15 years, the design of these towers has come a long way. He stated that he needed to explain the reasoning from Verizon why the monopine design is not desired because of maintenance. He commented that Verizon wants to be a good neighbor, but had to mention the cost, so his boss wouldn't get mad at him.

Commissioner Ingalls explained with the initial request for a cell tower on Coeur d'Alene Lake Drive, the original design provided was ugly, and at the request of the commission, they came back with the monopine design that works well in that area.

Robert Cross commented that he owns the property and this property has a natural gas line that runs through the property that would make it difficult to meet setbacks if trying to build a home or building on the property. He feels that the cell tower is a perfect use for this property.

John Malee commented that he is opposed to this project. He explained that he owns Fedora restaurant across from this property and feels that this will be an eyesore and not blend in. He noted that the cell tower located on Coeur d'Alene Avenue and 23rd works in that area since there are a lot of pine trees so the cell tower will blend, but in this area, there aren't many trees, so it will not blend.

Rebuttal:

Mr. Smith stated that this is an essential service providing faster speeds for commercial and residential customers. He explained that Verizon had looked at other sites to place this tower and chose this property based on the location needed for coverage. He stated that they will be placing the pole towards the back of the property to help blend it with the surrounding trees on the property.

Public Testimony closed.

Discussion:

Commissioner Messina inquired if there were other locations considered for a cell tower

Mr. Smith explained that when Verizon is searching for a new vicinity for a cell tower, they supply us with a longitude and latitude of various properties they have selected. The intersection at Ramsey and Kathleen, two properties to the North, two properties to the South and to the east two properties either direction. He commented the cell site a mile away is too far and if it weren't on this lot it would have to be across the street. He explained that he had a list of property owners he contacted to see if they would be interested and this is one of two places that would have been feasible so we wouldn't run into a pipeline and the other two parcel owners were not interested tying up their property with a long term lease.

Commissioner Luttrupp inquired if we have the authority to deny this request since it is a cell tower. He stated that he was curious about the laws.

Ms. Anderson referenced page 11 of the staff report, regarding the additional finding for Wireless Communication Facilities Regulations Section 17.08.825.H.2 that states: No new wireless communication support towers may be constructed within one mile of an existing support tower, unless it can be demonstrated to the satisfaction of the Planning Commission that the existing support tower is not available for colocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant.

Mr. Holm explained, after reviewing the GIS map the applicant provided, that the proposed location is approximately 350' from the edge of the one mile radius of an existing tower. He commented that the applicant is aware of the requirement and provided a letter explaining the reason why this location was chosen.

Commissioner Ingalls stated after looking at the site plan of the property, and since the property has numerous obstacles, including a gas line that runs through the property, feels this site makes sense for the placement of the tower. He does agree with the condition added that this should be a monopine design.

Motion by Fleming, seconded by Luttrupp, to approve Item SP-4-17. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye

Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to approve carried by a 4 to 0 vote.



PUBLIC HEARINGS



**PLANNING COMMISSION
STAFF REPORT**

FROM: SEAN E. HOLM, SENIOR PLANNER
DATE: FEBRUARY 13, 2018
SUBJECT: SP-1-18 – REQUEST FOR SPECIAL USE PERMIT (MULTIPLE USES)
IN A MANUFACTURING (M) DISTRICT
LOCATION: A +/- 1.029 VACANT ACRE PARCEL ALONG SCHREIBER WAY
PRELIMINARILY KNOWN AS 3877 N. SCHREIBER WAY

APPLICANT:

KRB Investments, LLC
3893 N. Schrieber Way
Coeur d'Alene, ID 83815

DECISION POINT:

KRB Investments, LLC is requesting approval of a total of six (6) activity uses; three (3) service activities and three (3) commercial activities, via the Special Use Permit process, to allow for the following uses on a vacant parcel in a Manufacturing (M) zone:

Service Activities

1. Commercial Recreation
Activities that include profit-oriented sports activities performed either indoors or outdoors, which require a facility for conducting the recreational activity; such activities are typical of swimming centers, tennis courts, racquetball courts, golf courses, etc.
2. Personal Service Establishment
Activities that include the provision of informational, instructional, and similar services of a personal but nonprofessional nature, such as driving schools, travel bureaus, and photography studios.
3. Professional & Administrative Offices
Activities that include managerial, clerical, consultation and professional, including medical, services for therapeutic, preventative or corrective personal treatment, typically performed by the following:
 1. Insurance and real estate offices.
 2. Architects, engineers, lawyers and accounting offices.
 3. Planning and educational research service.
 4. Doctors, dentists and other health care practitioners.
 5. Medical testing and analysis services.
 6. Corporate headquarters, branch offices and data storage centers.

Commercial Activities

4. Business Supply Retail Sales

Activities that include the retail sale or rental from the premises of the office equipment and supplies and similar goods primarily to individuals, firms and other organizations utilizing the goods; they exclude the sale or rental of motor vehicles and the sale of materials used in construction of buildings or other structures; such activities are typical of barber equipment and supply firms, and hotel or office equipment and supply firms.

5. Food & Beverage Stores (on/off site consumption)

(On-Site Consumption) Activities that include the retail sale from the premises of food or beverages prepared for on-premises consumption; such activities are typical of restaurants and bars.

(Off-Site Consumption) Activities that include the retail sales from the premises of food and beverages for off-premises consumption; such activities are typical of groceries, markets, liquor stores and retail bakeries. On-site consumption seating areas of up to fifteen percent (15%) of the gross floor area may be provided.

6. Specialty Retail Sales

Activities that include the sale or rental from the premises of particular or predominant types of goods and merchandise primarily for personal or household use; they exclude the sale or rental of motor vehicles, parts and accessories, furniture and major appliances, and materials used in the construction of buildings or other structures; such activities are typical of apparel, antique, camera and flower stores.

GENERAL INFORMATION:

The Manufacturing District is intended for a variety of intensive manufacturing uses that are primarily conducted indoors with some manufacturing uses that include outdoor activities that may create some noise, dust, and odor. However, the applicant's proposed uses would be conducted primarily within the structure(s) to be built, and the applicant is aware that a possible manufacturing use may be built in the area, or may occupy an existing structure. A planned outdoor patio area could be affected by an adjacent manufacturing use, in which case the city would support the continued operation of the manufacturing use, as allowed by right, in the context of the city's performance standards:

II. PERFORMANCE STANDARDS REGULATIONS

17.07.105: TITLE AND PURPOSE:

The provisions of this article shall be known as the PERFORMANCE STANDARDS REGULATIONS. The purpose of these provisions is to promote the health, safety and general welfare of the residents of the city through limitations on certain nuisance generating characteristics of various activities, including vibration, noise, odor, humidity, heat, cold, glare, dust and/or smoke. (Ord. 1691 §1(part), 1982)

17.07.110: APPLICABILITY:

Any use of property that violates these regulations is prohibited even where it is otherwise permitted by the applicable zone regulations. Uses permitted by special use permit shall conform to these regulations as one component of their conditions. (Ord. 1691 §1(part), 1982)

17.07.115: RESTRICTIONS ON OPERATIONS:

The operation of any use established after the effective date hereof shall comply with the performance standards herein set forth for the zone in which such activity shall be located. No use already established on the effective date hereof shall be so altered or modified as to conflict with, or further conflict with, the performance standards herein established for the zone in which such use is located. A conforming use that is in compliance with existing zoning ordinances or a legal nonconforming use may be continued and maintained regardless of subsequent zoning changes on surrounding properties that otherwise would change the manner in which the requirements of this article apply to the preexisting use. (Ord. 3335 §4, 2008: Ord. 1691 §1(part), 1982)

17.07.120: VIBRATION AND NOISE:

A. In all zoning districts, any use creating intense earthshaking vibrations or noise such as are created by heavy drop forges or heavy hydraulic surges, shall be set back at least three hundred feet (300') from an abutting residential or commercial zoning district or at least one hundred fifty feet (150') from an abutting manufacturing zoning district, unless such operation is controlled to prevent transmission beyond the lot lines of earthshaking vibrations perceptible to a person of normal sensitivities.

17.07.125: ODOR:

A. In Manufacturing Zoning District: In a manufacturing zoning district the emission of any noxious, odorous matter which produces a public nuisance or hazard beyond lot lines is prohibited.

17.07.130: HUMIDITY, HEAT, COLD, GLARE, DUST, AND SMOKE:

A. In Manufacturing Zoning District: In a manufacturing zoning district any excessive humidity in the form of steam or moist air, intense heat, intense cold, intense glare, intense dust, or intense smoke produced by an activity within the district shall not be detrimental beyond the boundary of the district.

Manufacturing District (M):

The manufacturing district is intended to include manufacturing, warehousing and industry that are primarily indoors with an on-site operation that has minimal impact on the environment. Residential uses are not permitted.

In addition to permitting light manufacturing uses, this district permits all commercial activities. A special use permit is required for all heavy manufacturing land uses. This district should be located close to major or principal arterials and is suitable as a buffer zone for heavy industry. In this district, development of manufacturing land uses in an industrial park and away from residential or sensitive areas is encouraged.

17.05.820: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an M district shall be as follows:

- Agricultural supplies and commodity sales
- Auto and accessory sales
- Automobile parking
- Automobile parking when serving an adjacent business
- Automobile renting
- Automotive fleet storage
- Automotive repair and cleaning
- Building maintenance service
- Commercial film production
- Commercial kennel
- Construction retail sales
- Custom manufacture
- Essential service
- Extensive impact
- Farm equipment sales
- Finished goods wholesale
- General construction services
- Laundry service
- Light manufacture
- Mini-storage facilities
- Unfinished goods wholesale
- Veterinary hospital
- Warehouse/storage
- Wholesale bulk liquid fuel storage

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 store
- Extractive industry
- Finished goods retail
- Food and beverage stores for on/off site consumption
- Funeral service
- Group assembly
- Heavy manufacture
- 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

17.05.880: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements in an M district shall be as follows:

1. Front: The front yard requirement shall be twenty feet (20') except, when abutting along the side or across the street from a residential district. The front setback shall be equal to the most restrictive front setback thereof.
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 rear yard will be reduced by one-half (1/2) when adjacent to public open space.

17.05.850: SITE PERFORMANCE STANDARDS; MAXIMUM HEIGHT:

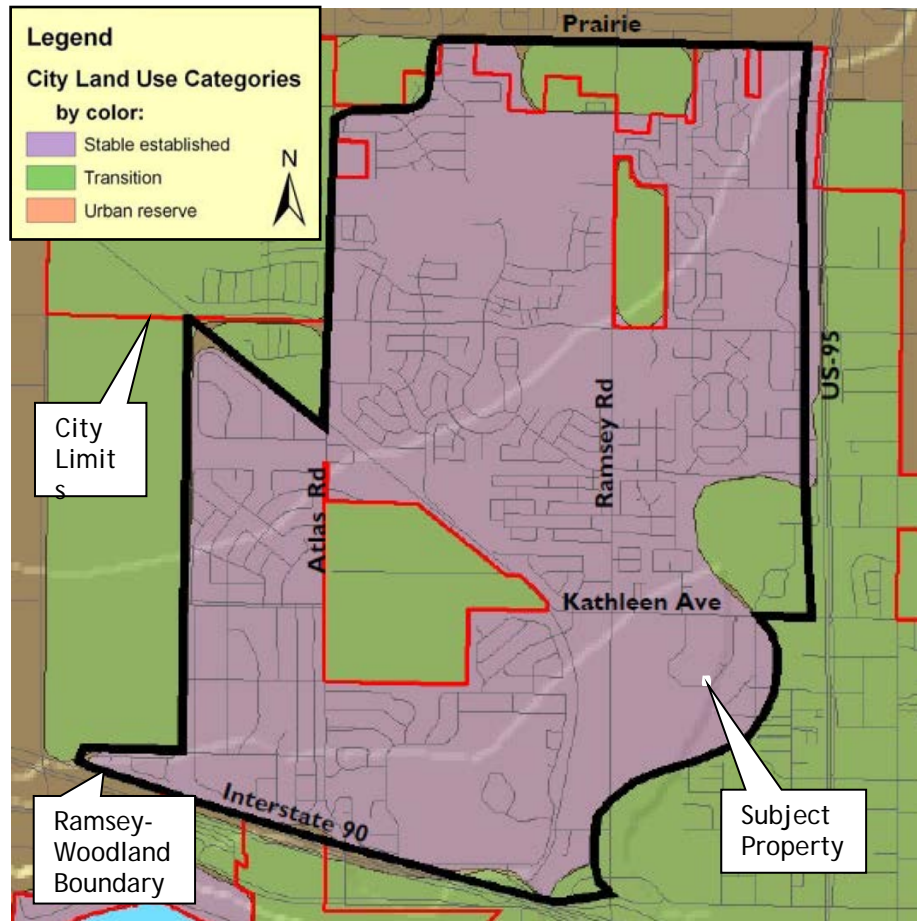
Maximum height requirements in an M district shall be as follows: 63 Feet

REQUIRED FINDINGS:

Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

Finding #B8A: The proposal (is) (is not) in conformance with the Comprehensive Plan.

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as Ramsey –Woodland (Stable Established):



Stable Established:
These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots, and general land use are not expected to change greatly within the planning period.

Land Use:

Ramsey - Woodland Today:

The development pattern in this area is mixed with established subdivisions, such as Coeur d’Alene Place, that are continuing to expand to the north. Passive and active parks have also been provided for the residents of these housing developments. Industrial uses are prominent to the west of Atlas Road with a mix of residential zoning on the south side of Hanley Avenue.

Neighborhood service nodes can be found throughout the Ramsey-Woodland area.

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Characteristics of the neighborhoods have, for the most part, been established and should be maintained. Development in this area will continue to grow in a stable manner. Lower density zoning districts will intermingle with the existing Coeur d'Alene Place Planned Unit Development (PUD) providing a variety of housing types. The northern boundary is the edge of the community, offering opportunities for infill.

The characteristics of Ramsey – Woodland neighborhoods will be:

- That overall density may approach three to four residential units per acre (3-4:1), however, pockets of higher density housing and multi-family units are appropriate in compatible areas.
- Pedestrian and bicycle trails.
- Parks just a 5-minute walk away.
- Neighborhood service nodes where appropriate.
- Multi-family and single-family housing units.

2007 Comprehensive Plan Goals and Objectives that apply:

Objective 1.12

Community Design:

- Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14

Efficiency:

- Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Objective 2.01

Business Image & Diversity:

- Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.

Objective 4.06

Public Participation:

- Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

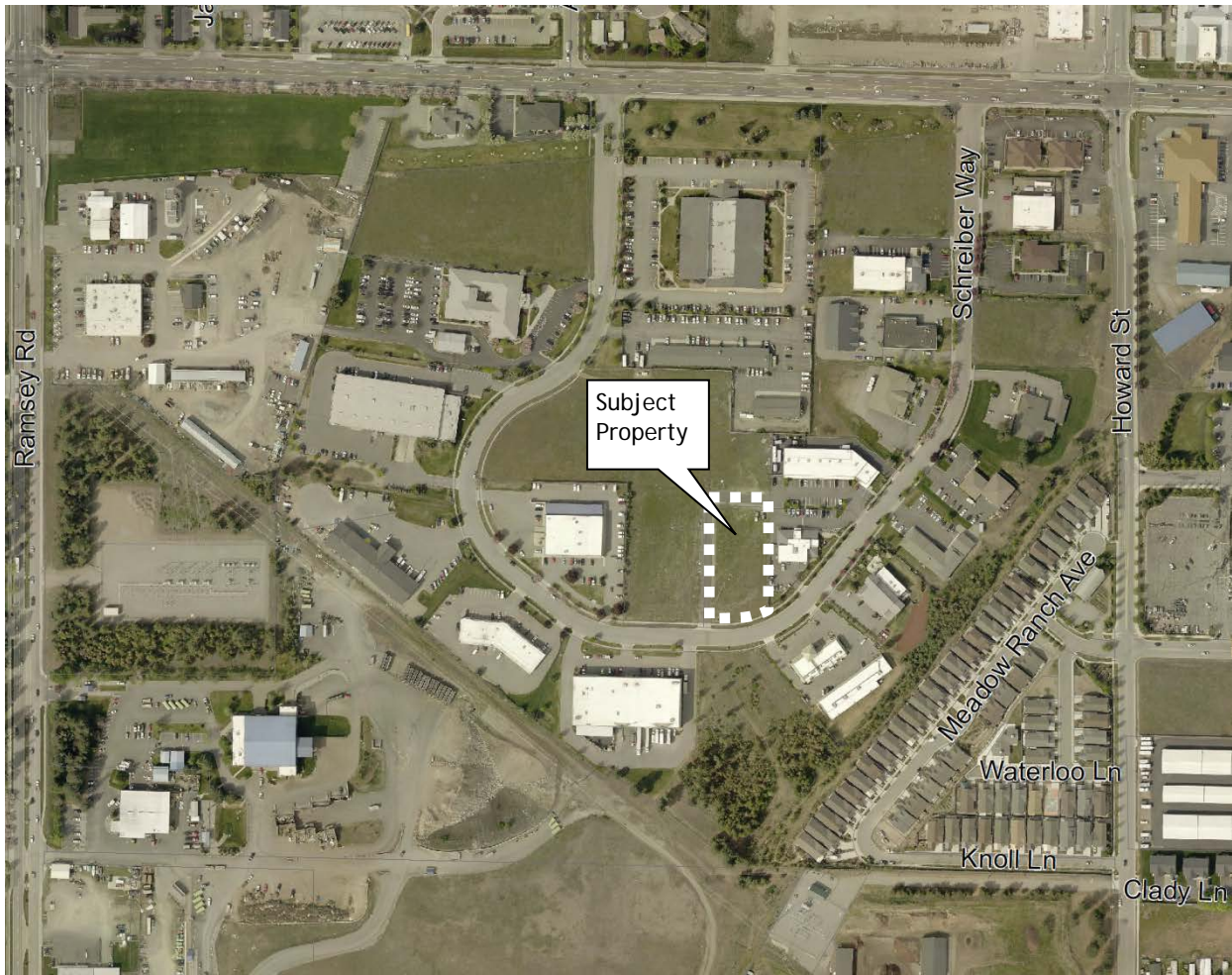
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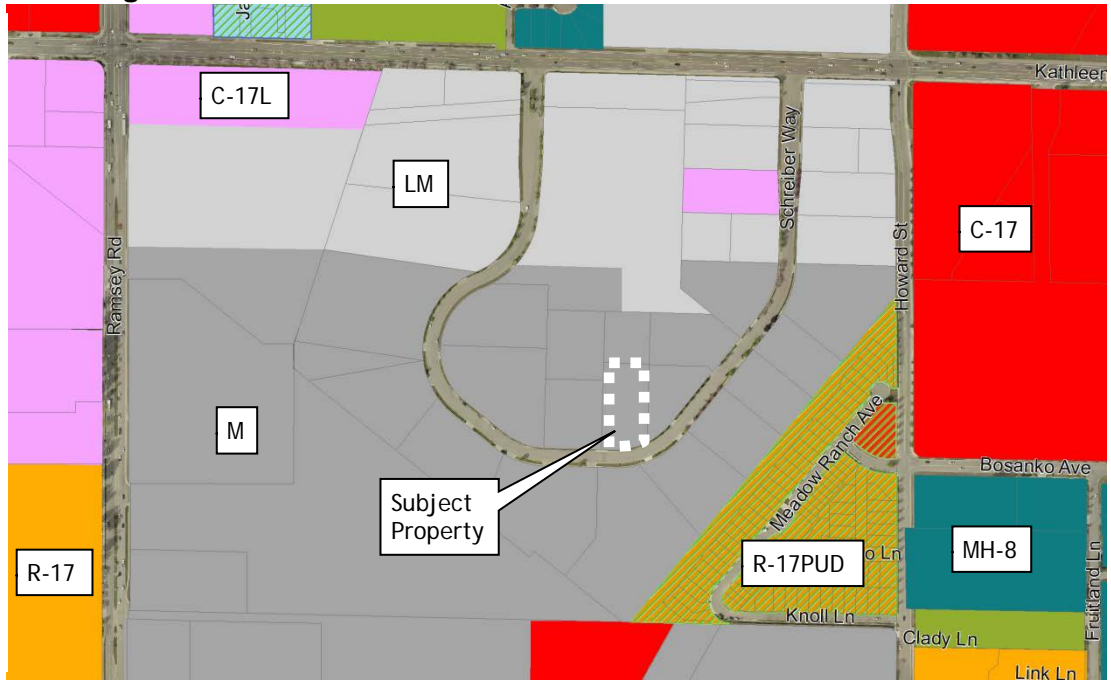
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Aerial Photo:



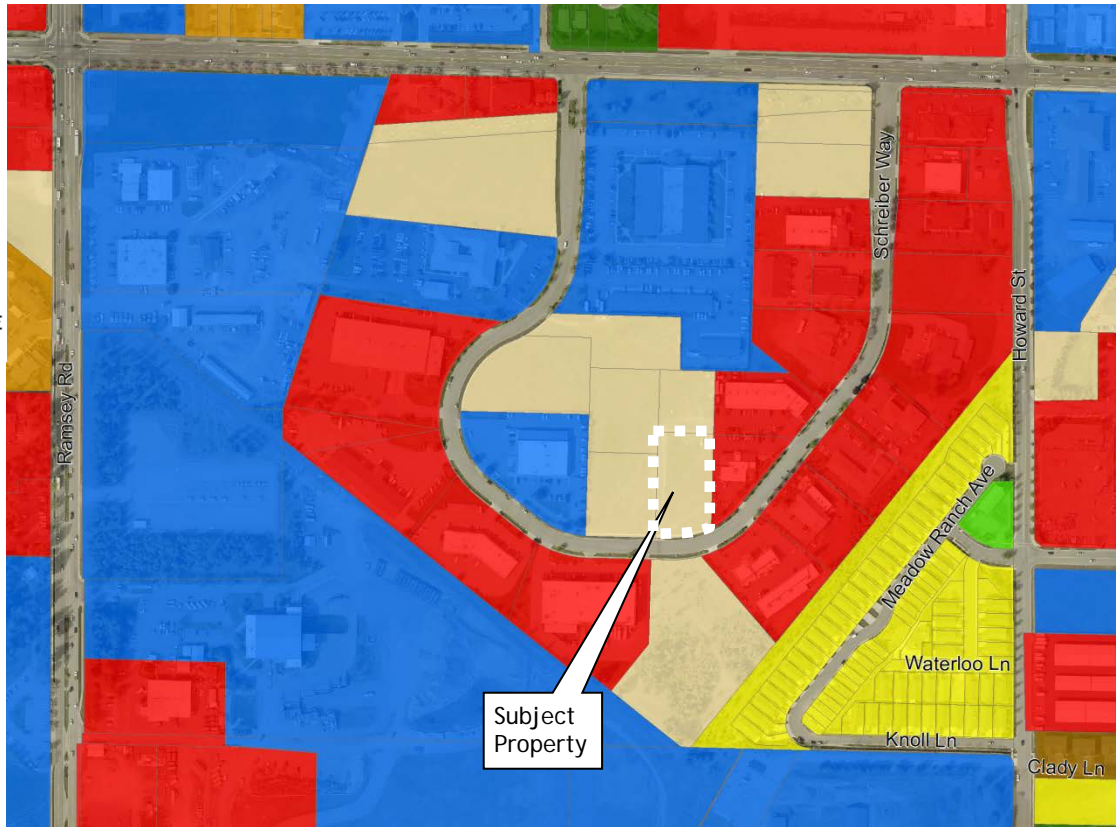
Zoning:

- zoning
- C-17
- C-17L
- C-17LPUD
- C-17PUD
- DC
- DCPUD
- LM
- M
- MH-8
- MH-8PUD
- NC
- NW
- R-1
- R-12
- R-12PUD
- R-17
- R-17PUD
- R-1PUD
- R-3
- R-3PUD
- R-5
- R-5PUD
- R-8
- R-8PUD
- R-85F

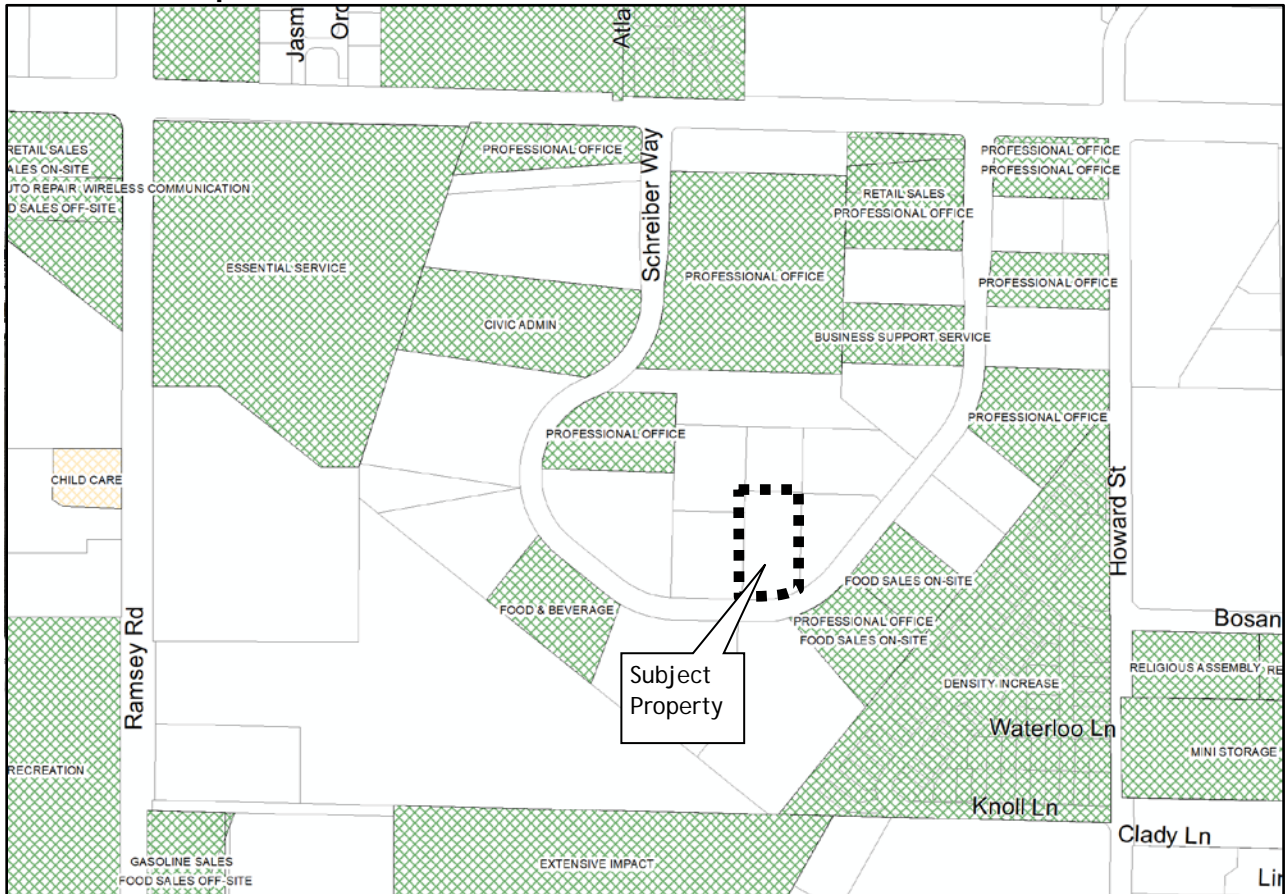


Generalized land use pattern:

- Land Use
- SFA
- SFD
- DUPLEX
- MH
- MHP
- MFD
- CIVIC
- COMM
- MFGR
- AGRICULTURE
- VACANT



Special Use Permits in Area:



Photo(s) of Site:

South side of subject property from Schreiber Way looking north:



Internal paved access to the site looking south toward Schreiber Way:



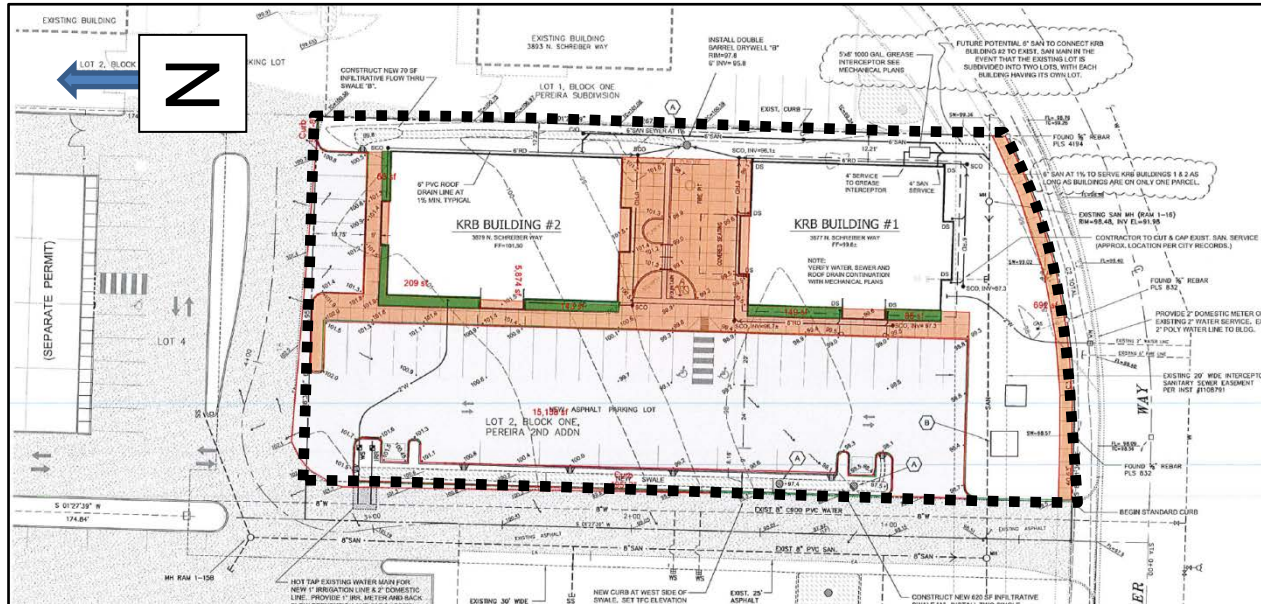
North side of subject property looking south:



Evaluation: Based on the information presented, the Planning Commission must determine if the request is compatible with surrounding uses and is designed appropriately to blend in with the area.

Finding #B8C: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services.

Conceptual Site Plan:



STAFF COMMENTS:

STORMWATER:

Stormwater treatment and containment will be addressed during development and constructed on the subject property. The City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site.

-Submitted by Chris Bosley, City Engineer

STREETS:

The existing street, Schreiber Way, has available capacity to accommodate the proposed development and has been constructed to City standards.

-Submitted by Chris Bosley, City Engineer

WATER:

There is adequate capacity in the public water system to support domestic irrigation for the proposed special use permit at 3887 Schreiber Way. There is an existing 10" water main in Schreiber Way and an 8" water main in the private drive to the west of the subject property.

WASTEWATER:

The nearest public sanitary sewer is located within the Schreiber Way which borders the southerly boundary of the property. In accordance with the 2013 Sewer Master Plan, the City's Wastewater Utility presently has the wastewater system capacity and willingness to serve this Special Use as proposed.

-Submitted by Mike Becker, Utility Project Manager

FIRE:

The Fire Department works with the Engineering, Water and Building Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents:

Fire department access to the site (Road widths, surfacing, maximum grade and turning radiuses), in addition to, fire protection (Size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The CD'A FD can address all concerns at site and building permit submittals with the corrections to the below conditions.

-Submitted by Bobby Gonder, Fire Inspector

Evaluation: *Planning Commission must determine if the location, design, and size of the proposal are such that the development will or will not be adequately served by existing streets, public facilities and services.*

PROPOSED CONDITIONS:

PLANNING:

1. Provide an accessible paved pedestrian connection from the entrances of proposed building(s) to the existing sidewalk along Schreiber Way.
2. Design pedestrian connections to abutting parcels where feasible. Painted asphalt would be acceptable to cross vehicle lanes when no opportunity exists to provide separated pathways. These pathways are not intended to be accessible routes and are envisioned to help motorists see potential pedestrians in the area.

The Planning Commission may, as a condition of approval, establish reasonable requirements as conditions of approval to mitigate any impacts that would adversely affect the surrounding neighborhood. Please be specific, if additional conditions are added to the motion.

ORDINANCES AND STANDARDS USED IN EVALUATION:

- 2007 Comprehensive Plan
- Municipal Code
- Idaho Code
- Wastewater Treatment Facility Plan
- Water and Sewer Service Policies
- Urban Forestry Standards
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices

ACTION ALTERNATIVES:

The Planning Commission must consider this request and make appropriate findings to approve, approve with conditions, deny, or deny without prejudice. The findings worksheet is attached.



**APPLICANT'S
NARRATIVE**

NARRATIVE KRB INVESTMENTS SPECIAL USE PERMIT REQUEST

GP Land Company is requesting that the following activities be added to the submitted parcels. Service Activities:


Commercial Recreation
Personal Service establishments
Professional and administrative offices

Sales Activities:


Business Supply Retail Sales
Food and Beverage Stores on/off site consumption
Specialty Retail Sales

The requested activities are in compliance with the 2007 Comprehensive plan and are allowed by special use permit in a Manufacturing District. All public facilities, services and existing streets services are in place on these parcels. Internal infrastructure is also in place at this time.

The Schreiber Commerce Park currently has numerous businesses that fall into these categories. We are requesting the special use permits to meet current requests for space as well as in anticipation of future demand for space that meets the requested activities.



FINDINGS



**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

A. INTRODUCTION

This matter having come before the Planning Commission on February 13, 2018, and there being present a person requesting approval of ITEM: SP-1-18 a request for a Multiple Uses Special Use Permit in the Manufacturing zoning district.

APPLICANT: KRB INVESTMENTS, LLC

LOCATION: A +/- 1.029 ACRE PARCEL ALONG SCHREIBER WAY
COMMONLY KNOWN AS 3887 N. SCHREIBER WAY

**B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS
RELIED UPON**

(The Planning Commission may adopt Items B1 to B7.)

- B1. That the existing land uses are The BLM office, an insurance agency, the CDA Police Dept., Summit Cider (Cider Brewing), Tricksters Brewing, hardware sales, Beverage distributorship, USPS, printers, tile store and construction services are examples of businesses operating in the immediate vicinity of this request.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is manufacturing.
- B4. That the notice of public hearing was published on, January 27, 2018, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on February 5, 2018, which fulfills the proper legal requirement.
- B6. That the notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on February 13, 2018.

B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal **(is) (is not)** in conformance with the comprehensive plan, as follows:

Objective 1.12 – Community Design: Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14 – Efficiency: Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Objective 2.01 – Business Image & Diversity: Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.

Objective 4.06- Public Participation: Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

B8B. The design and planning of the site **(is) (is not)** compatible with the location, setting, and existing uses on adjacent properties. This is based on

Criteria to consider for B8B:

1. Does the density or intensity of the project "fit " the surrounding area?
2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches & schools etc?
3. Is the design and appearance of the project compatible with the surrounding neighborhood in terms of architectural style, layout of buildings, building height and bulk, off-street parking, open space, and landscaping?

B8C The location, design, and size of the proposal are such that the development **(will) (will not)** be adequately served by existing streets, public facilities and services. This is based on

Criteria to consider B8C:

1. Is there water available to meet the minimum requirements for domestic consumption & fire flow?
2. Can sewer service be provided to meet minimum requirements?
3. Can police and fire provide reasonable service to the property?

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that **KRB INVESTMENTS LLC**, for a special use permit, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

PLANNING:

1. Provide an accessible paved pedestrian connection from the entrances of proposed building(s) to the existing sidewalk along Schreiber Way.
2. Design pedestrian connections to abutting parcels where feasible. Painted asphalt would be acceptable to cross vehicle lanes when no opportunity exists to provide separated pathways.

Motion by _____, seconded by _____, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Mandel	Voted _____
Commissioner Rumpler	Voted _____
Commissioner Ward	Voted _____

Chairman Messina Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN TOM MESSINA

**PLANNING COMMISSION
STAFF REPORT**

FROM: SEAN E. HOLM, SENIOR PLANNER
DATE: FEBRUARY 13, 2018
SUBJECT: SP-2-18 – REQUEST FOR SPECIAL USE PERMITS (MULTIPLE USES)
IN A MANUFACTURING (M) DISTRICT
LOCATION: THREE PARCELS NEAR SCHREIBER WAY COMMONLY KNOWN AS
3895, 3881, & 3871 N. SCHREIBER WAY

APPLICANT:

GP Land Co., LLC
3893 N. Schrieber Way
Coeur d’Alene, ID 83815

DECISION POINT:

GP Land Co., LLC is requesting approval of a total of six (6) activity uses; three (3) service activities and three (3) commercial activities, via the Special Use Permit process, to allow for the following uses in a Manufacturing (M) zone. Note: This applicant has made this request for three (3) separate parcels as described by the addresses under LOCATION above and are mapped below under finding #B8B.

Service Activities

1. Commercial Recreation
Activities that include profit-oriented sports activities performed either indoors or outdoors, which require a facility for conducting the recreational activity; such activities are typical of swimming centers, tennis courts, racquetball courts, golf courses, etc.
2. Personal Service Establishment
Activities that include the provision of informational, instructional, and similar services of a personal but nonprofessional nature, such as driving schools, travel bureaus, and photography studios.
3. Professional & Administrative Offices
Activities that include managerial, clerical, consultation and professional, including medical, services for therapeutic, preventative or corrective personal treatment, typically performed by the following:
 1. Insurance and real estate offices.
 2. Architects, engineers, lawyers and accounting offices.
 3. Planning and educational research service.
 4. Doctors, dentists and other health care practitioners.
 5. Medical testing and analysis services.

6. Corporate headquarters, branch offices and data storage centers.

Commercial Activities

4. Business Supply Retail Sales

Activities that include the retail sale or rental from the premises of the office equipment and supplies and similar goods primarily to individuals, firms and other organizations utilizing the goods; they exclude the sale or rental of motor vehicles and the sale of materials used in construction of buildings or other structures; such activities are typical of barber equipment and supply firms, and hotel or office equipment and supply firms.

5. Food & Beverage Stores (on/off site consumption)

(On-Site Consumption) Activities that include the retail sale from the premises of food or beverages prepared for on-premises consumption; such activities are typical of restaurants and bars.

(Off-Site Consumption) Activities that include the retail sales from the premises of food and beverages for off-premises consumption; such activities are typical of groceries, markets, liquor stores and retail bakeries. On-site consumption seating areas of up to fifteen percent (15%) of the gross floor area may be provided.

6. Specialty Retail Sales

Activities that include the sale or rental from the premises of particular or predominant types of goods and merchandise primarily for personal or household use; they exclude the sale or rental of motor vehicles, parts and accessories, furniture and major appliances, and materials used in the construction of buildings or other structures; such activities are typical of apparel, antique, camera and flower stores.

GENERAL INFORMATION:

The Manufacturing District is intended for a variety of intensive manufacturing uses that are primarily conducted indoors with some manufacturing uses that include outdoor activities that may create some noise, dust, and odor. However, the applicant's proposed uses would be conducted primarily within the proposed structures, and the applicant is aware that a possible manufacturing use may be built in the area, or may occupy an existing structure. An outdoor patio area could be affected by an adjacent manufacturing use, in which case the city would support the continued operation of the manufacturing use, as allowed by right, in the context of the city's performance standards:

II. PERFORMANCE STANDARDS REGULATIONS

17.07.105: TITLE AND PURPOSE:

The provisions of this article shall be known as the PERFORMANCE STANDARDS REGULATIONS. The purpose of these provisions is to promote the health, safety and general welfare of the residents of the city through limitations on certain nuisance

generating characteristics of various activities, including vibration, noise, odor, humidity, heat, cold, glare, dust and/or smoke. (Ord. 1691 §1(part), 1982)

17.07.110: APPLICABILITY:

Any use of property that violates these regulations is prohibited even where it is otherwise permitted by the applicable zone regulations. Uses permitted by special use permit shall conform to these regulations as one component of their conditions. (Ord. 1691 §1(part), 1982)

17.07.115: RESTRICTIONS ON OPERATIONS:

The operation of any use established after the effective date hereof shall comply with the performance standards herein set forth for the zone in which such activity shall be located. No use already established on the effective date hereof shall be so altered or modified as to conflict with, or further conflict with, the performance standards herein established for the zone in which such use is located. A conforming use that is in compliance with existing zoning ordinances or a legal nonconforming use may be continued and maintained regardless of subsequent zoning changes on surrounding properties that otherwise would change the manner in which the requirements of this article apply to the preexisting use. (Ord. 3335 §4, 2008: Ord. 1691 §1(part), 1982)

17.07.120: VIBRATION AND NOISE:

A. In all zoning districts, any use creating intense earthshaking vibrations or noise such as are created by heavy drop forges or heavy hydraulic surges, shall be set back at least three hundred feet (300') from an abutting residential or commercial zoning district or at least one hundred fifty feet (150') from an abutting manufacturing zoning district, unless such operation is controlled to prevent transmission beyond the lot lines of earthshaking vibrations perceptible to a person of normal sensitivities.

17.07.125: ODOR:

A. In Manufacturing Zoning District: In a manufacturing zoning district the emission of any noxious, odorous matter which produces a public nuisance or hazard beyond lot lines is prohibited.

17.07.130: HUMIDITY, HEAT, COLD, GLARE, DUST, AND SMOKE:

A. In Manufacturing Zoning District: In a manufacturing zoning district any excessive humidity in the form of steam or moist air, intense heat, intense cold, intense glare, intense dust, or intense smoke produced by an activity within the district shall not be detrimental beyond the boundary of the district.

Manufacturing District (M):

The manufacturing district is intended to include manufacturing, warehousing and industry that are primarily indoors with an on-site operation that has minimal impact on the environment. Residential uses are not permitted.

In addition to permitting light manufacturing uses, this district permits all commercial activities. A special use permit is required for all heavy manufacturing land uses. This district should be located close to major or principal arterials and is suitable as a buffer zone for heavy industry. In this district, development of manufacturing land uses in an industrial park and away from residential or sensitive areas is encouraged.

17.05.820: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an M district shall be as follows:

- Agricultural supplies and commodity sales
- Auto and accessory sales
- Automobile parking
- Automobile parking when serving an adjacent business
- Automobile renting
- Automotive fleet storage
- Automotive repair and cleaning
- Building maintenance service
- Commercial film production
- Commercial kennel
- Construction retail sales
- Custom manufacture
- Essential service
- Extensive impact
- Farm equipment sales
- Finished goods wholesale
- General construction services
- Laundry service
- Light manufacture
- Mini-storage facilities
- Unfinished goods wholesale
- Veterinary hospital
- Warehouse/storage
- Wholesale bulk liquid fuel storage

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 store
- Extractive industry
- Finished goods retail
- Food and beverage stores for on/off site consumption
- Funeral service
- Group assembly
- Heavy manufacture
- 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

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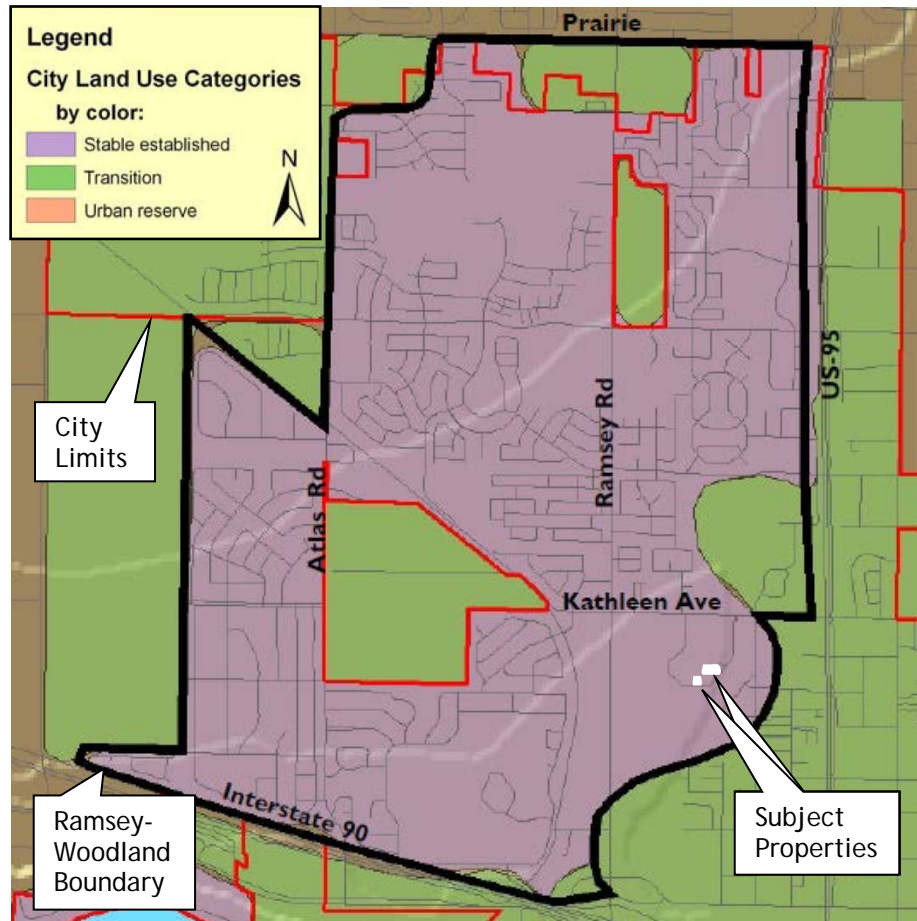
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- That overall density may approach three to four residential units per acre (3-4:1), however, pockets of higher density housing and multi-family units are appropriate in compatible areas.
- Pedestrian and bicycle trails.
- Parks just a 5-minute walk away.
- Neighborhood service nodes where appropriate.
- Multi-family and single-family housing units.

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Community Design:

- Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14

Efficiency:

- Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

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Business Image & Diversity:

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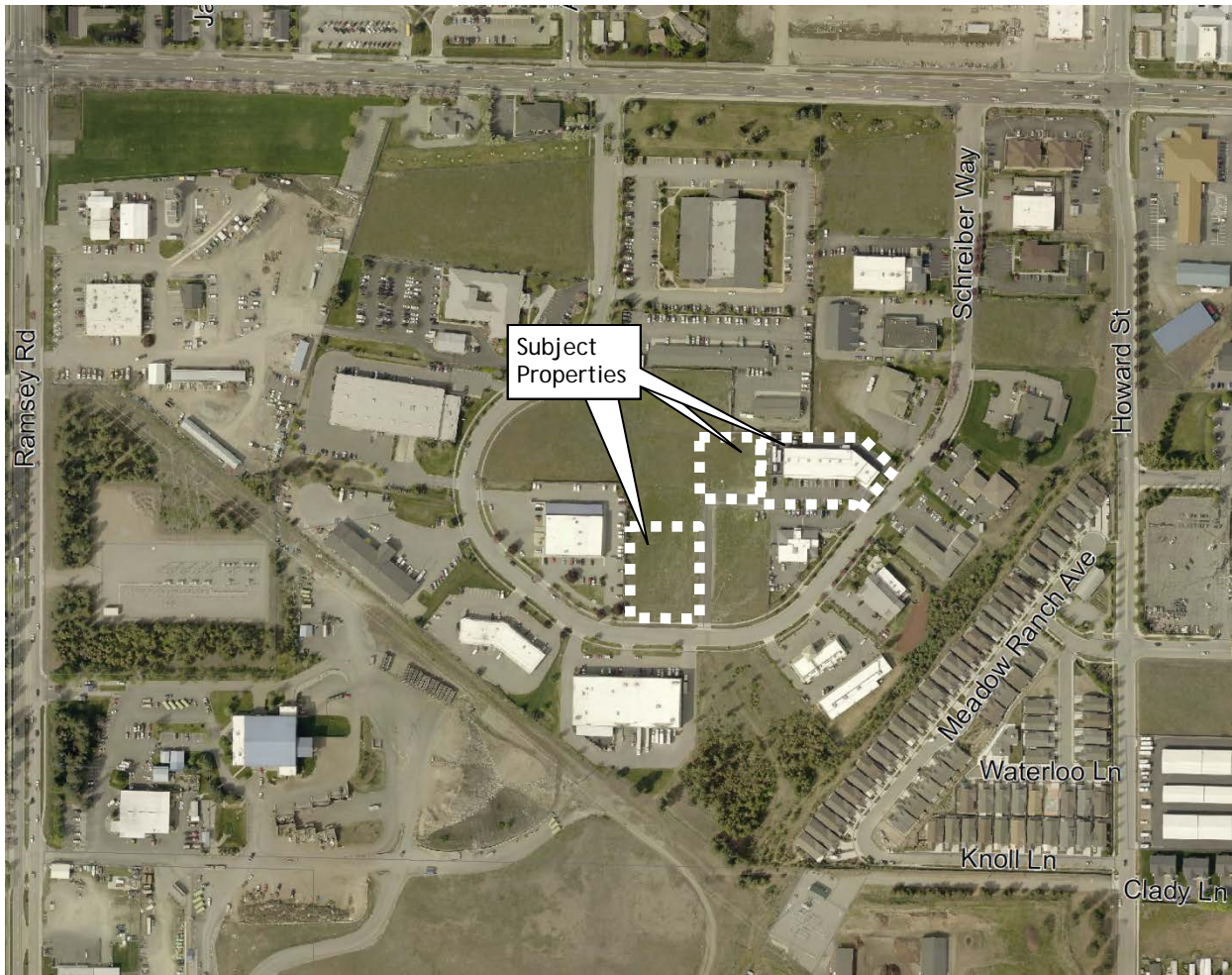
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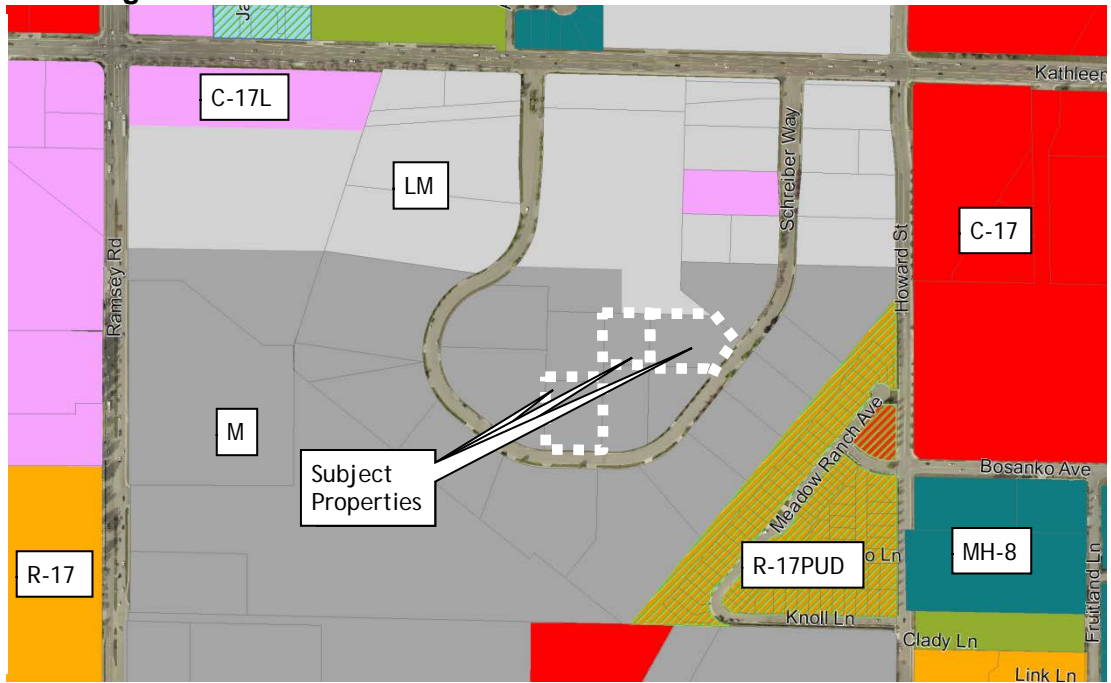
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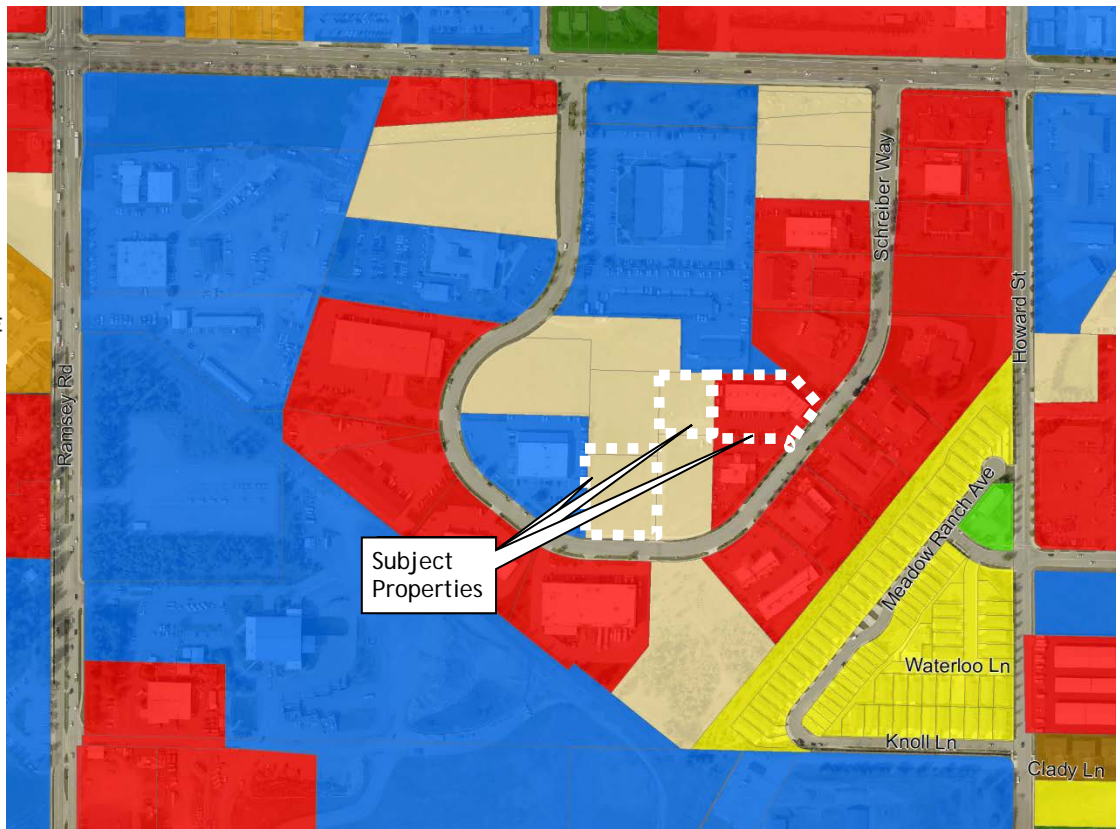
Zoning:

- zoning
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- DC
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- LM
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- MH-8
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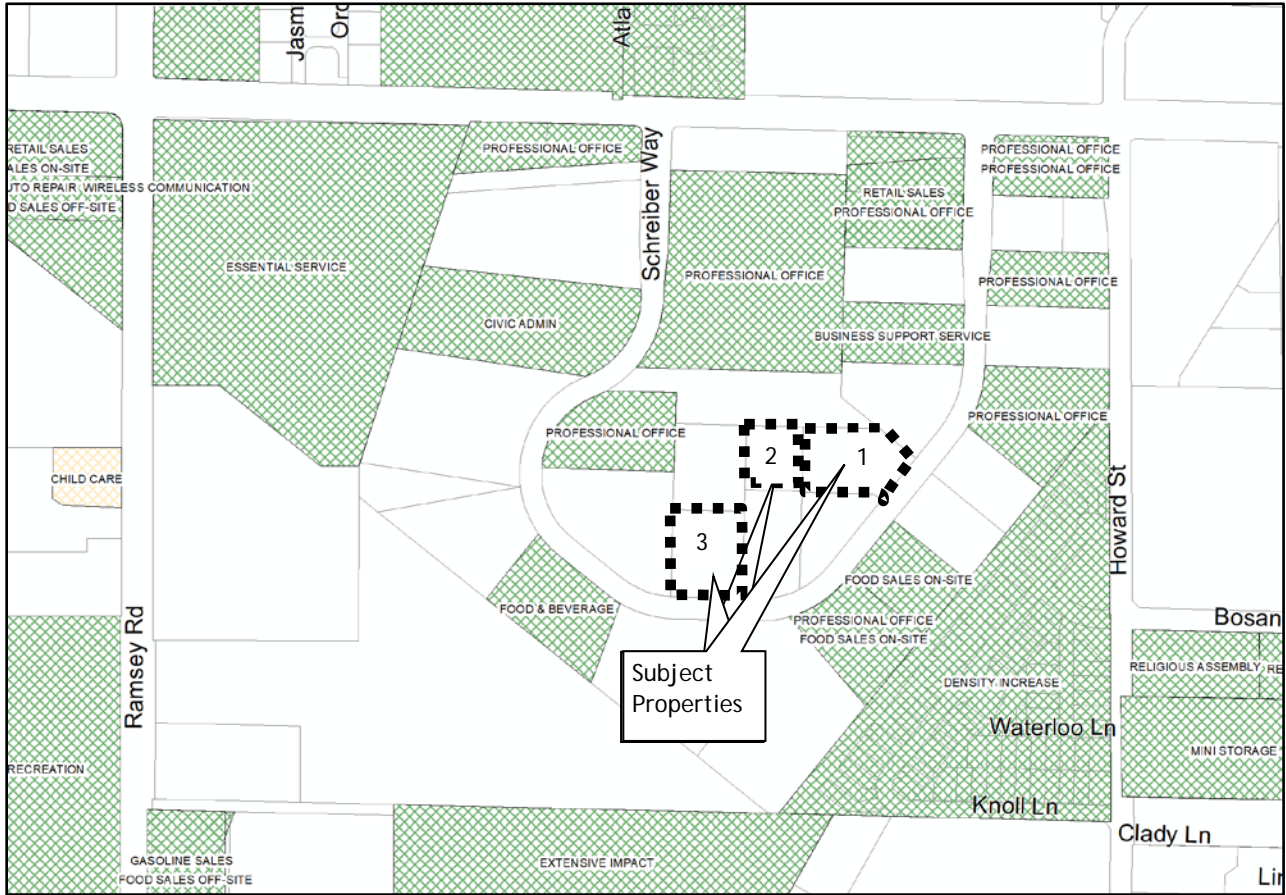


Generalized land use pattern:

- Land Use
- SFA
- SFD
- DUPLEX
- MH
- MHP
- MFD
- CIVIC
- COMM
- MFGR
- AGRICULTURE
- VACANT



Special Use Permits in Area:



Photo(s) of Site (Note: Number corresponds to SUP map above):

Existing multi-tenant building (Site #1):



Existing multi-tenant building (Site #2):



East/West access drive off of Schreiber Way to serve existing structures:



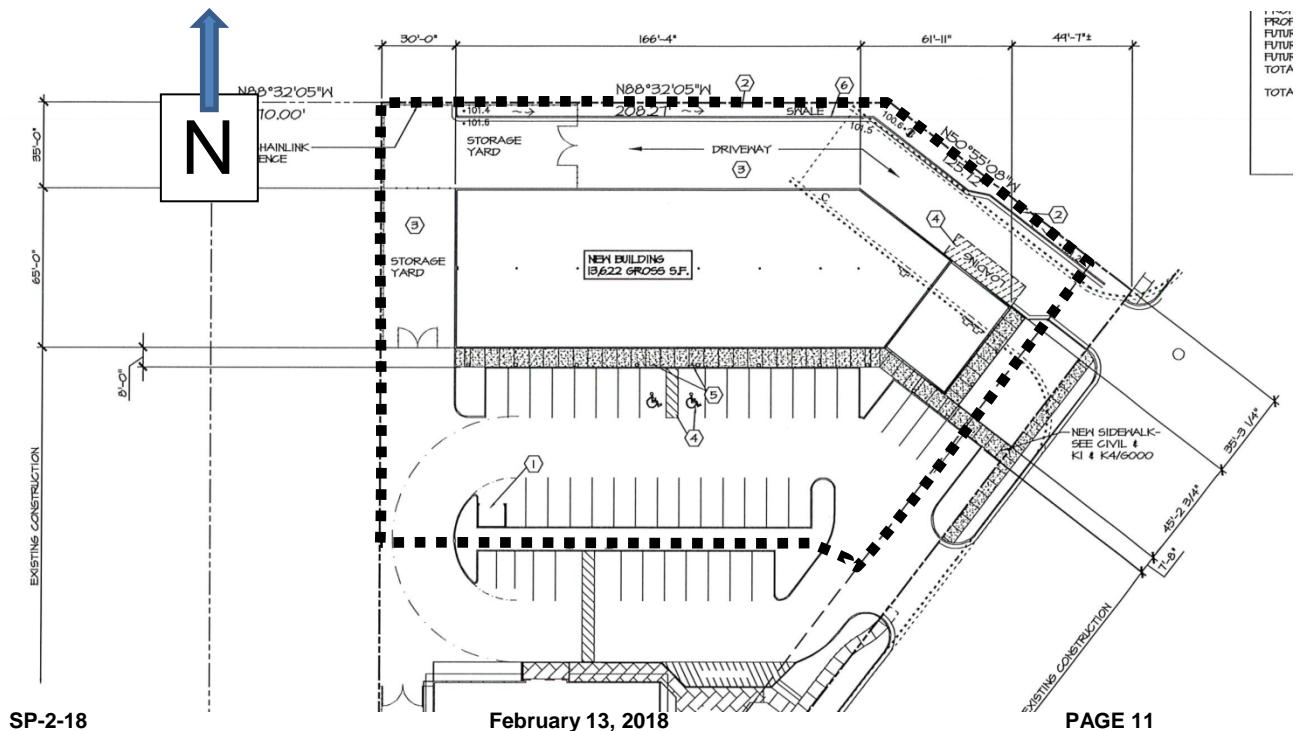
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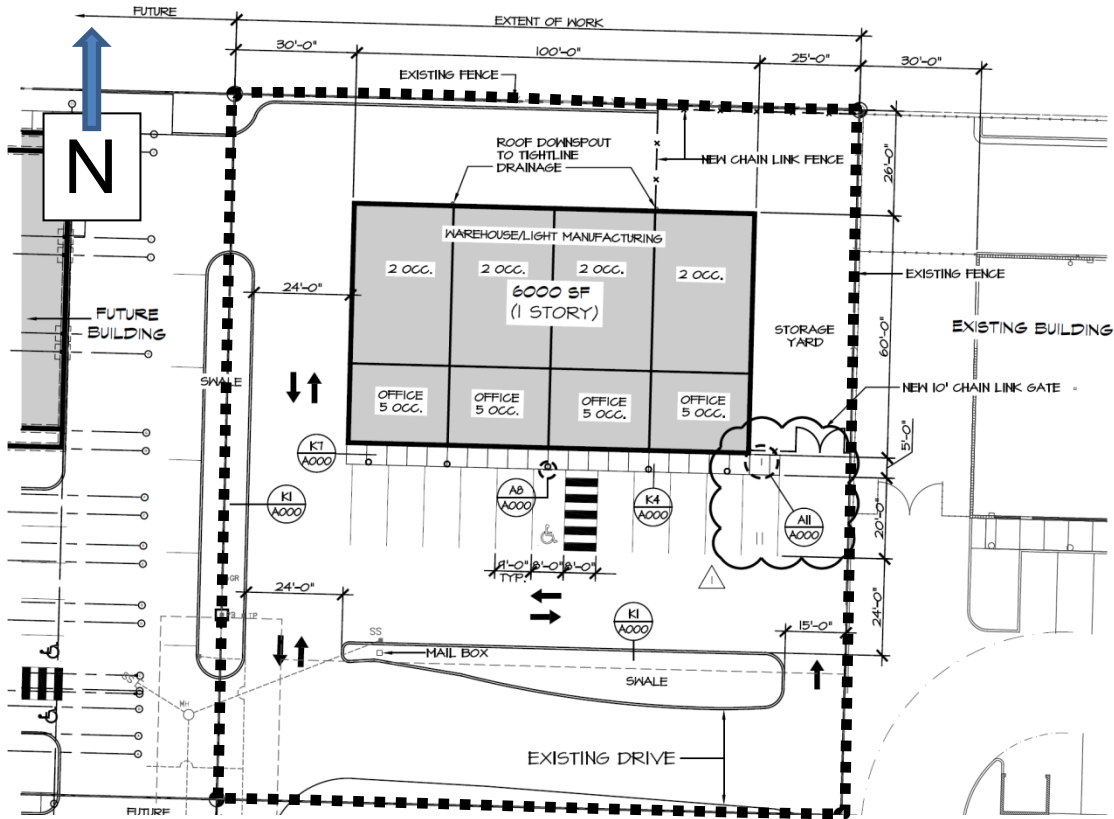
Evaluation: Based on the information presented, the Planning Commission must determine if the request is compatible with surrounding uses and is designed appropriately to blend in with the area.

Finding #B8C: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services.

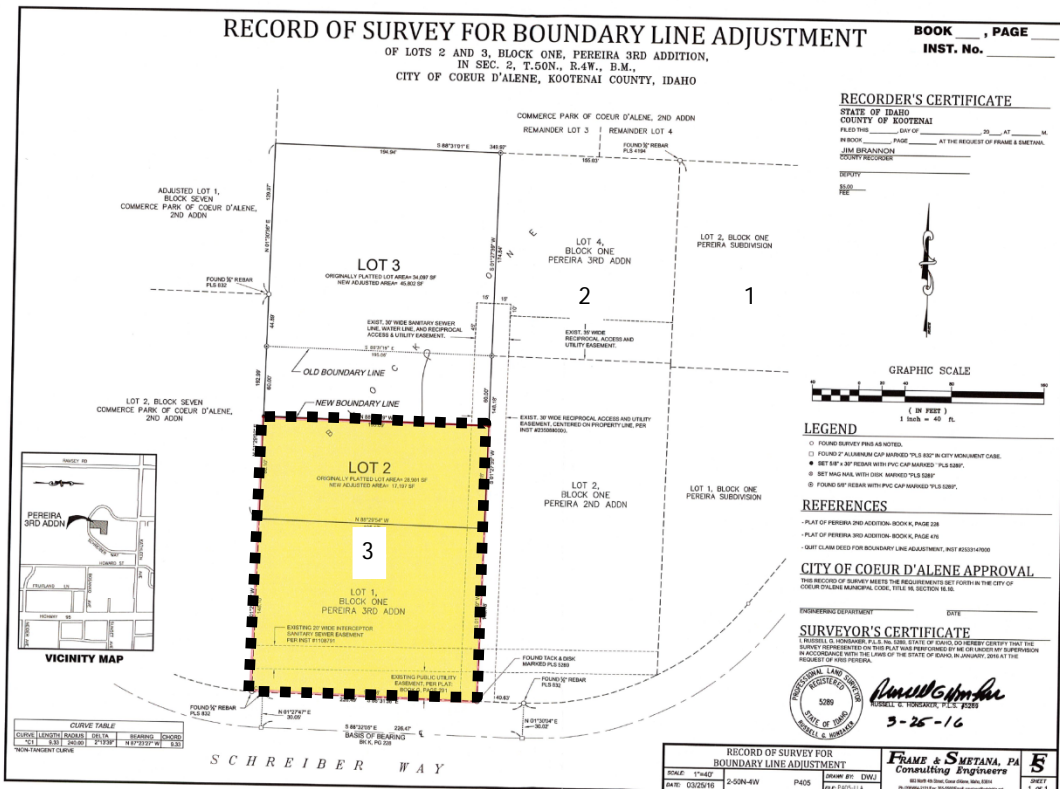
Existing Site Plans: (Site #1- Existing Multi-Tenant Building)



Existing Site Plans: (Site #2- Existing Multi-Tenant Building)



Existing Vacant Parcel: (Site #3)



STAFF COMMENTS:

STORMWATER:

Stormwater treatment and containment will be addressed during development and constructed on the subject property. The City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site.

-Submitted by Chris Bosley, City Engineer

STREETS:

The existing street, Schreiber Way, has available capacity to accommodate the proposed development and has been constructed to City standards.

-Submitted by Chris Bosley, City Engineer

WATER:

There is adequate capacity in the public water system to support domestic irrigation for the proposed special use permit at 3887 Schreiber Way. There is an existing 10" water main in Schreiber Way and an 8" water main in the private drive to the west of the subject property.

WASTEWATER:

The nearest public sanitary sewer is located within the Schreiber Way which borders the southerly boundary of the property. In accordance with the 2013 Sewer Master Plan, the City's Wastewater Utility presently has the wastewater system capacity and willingness to serve this Special Use as proposed.

-Submitted by Mike Becker, Utility Project Manager

FIRE:

The Fire Department works with the Engineering, Water and Building Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents:

Fire department access to the site (Road widths, surfacing, maximum grade and turning radiuses), in addition to, fire protection (Size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The CD'A FD can address all concerns at site and building permit submittals with the corrections to the below conditions.

-Submitted by Bobby Gonder, Fire Inspector

Evaluation: *Planning Commission must determine if the location, design, and size of the proposal are such that the development will or will not be adequately served by existing streets, public facilities and services.*

PROPOSED CONDITIONS:

PLANNING:

1. NEW CONSTRUCTION ONLY: Provide an accessible paved pedestrian connection from the entrances of proposed building(s) to the existing sidewalk along Schreiber Way.
2. Design pedestrian connections to abutting parcels where feasible. Painted asphalt would be acceptable to cross vehicle lanes when no opportunity exists to

provide separated pathways. These pathways are not intended to be accessible routes and are envisioned to help motorists see potential pedestrians in the area.

The Planning Commission may, as a condition of approval, establish reasonable requirements as conditions of approval to mitigate any impacts that would adversely affect the surrounding neighborhood. Please be specific, if additional conditions are added to the motion.

ORDINANCES AND STANDARDS USED IN EVALUATION:

- 2007 Comprehensive Plan
- Municipal Code
- Idaho Code
- Wastewater Treatment Facility Plan
- Water and Sewer Service Policies
- Urban Forestry Standards
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices

ACTION ALTERNATIVES:

The Planning Commission must consider this request and make appropriate findings to approve, approve with conditions, deny, or deny without prejudice. The findings worksheet is attached.



**APPLICANT'S
NARRATIVE**

NARRATIVE KRB INVESTMENTS SPECIAL USE PERMIT REQUEST

GP Land Company is requesting that the following activities be added to the submitted parcels. Service Activities:


Commercial Recreation
Personal Service establishments
Professional and administrative offices

Sales Activities:


Business Supply Retail Sales
Food and Beverage Stores on/off site consumption
Specialty Retail Sales

The requested activities are in compliance with the 2007 Comprehensive plan and are allowed by special use permit in a Manufacturing District. All public facilities, services and existing streets services are in place on these parcels. Internal infrastructure is also in place at this time.

The Schreiber Commerce Park currently has numerous businesses that fall into these categories. We are requesting the special use permits to meet current requests for space as well as in anticipation of future demand for space that meets the requested activities.



FINDINGS



**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

A. INTRODUCTION

This matter having come before the Planning Commission on February 13, 2018, and there being present a person requesting approval of ITEM: SP-2-18 a request for a Multiple Uses Special Use Permit in the Manufacturing zoning district.

APPLICANT: GP Land Co., LLC

LOCATION: THREE PARCELS NEAR SCHREIBER WAY COMMONLY KNOWN AS
3895, 3881, & 3871 N. SCHREIBER WAY

**B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS
RELIED UPON**

(The Planning Commission may adopt Items B1 to B7.)

- B1. That the existing land uses are The BLM office, an insurance agency, the CDA Police Dept., Summit Cider (Cider Brewing), Tricksters Brewing, hardware sales, Beverage distributorship, USPS, printers, tile store and construction services are examples of businesses operating in the immediate vicinity of this request.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is Manufacturing.
- B4. That the notice of public hearing was published on, January 27, 2018, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on February 5, 2018, which fulfills the proper legal requirement.
- B6. That the notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on February 13, 2018.
- B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission.

B8A. The proposal **(is) (is not)** in conformance with the comprehensive plan, as follows:

Objective 1.12 – Community Design: Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14 – Efficiency: Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Objective 2.01 – Business Image & Diversity: Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.

Objective 4.06- Public Participation: Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

B8B. The design and planning of the site **(is) (is not)** compatible with the location, setting, and existing uses on adjacent properties. This is based on

- Criteria to consider for B8B:**
1. Does the density or intensity of the project “fit ” the surrounding area?
 2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches & schools etc?
 3. Is the design and appearance of the project compatible with the surrounding neighborhood in terms of architectural style, layout of buildings, building height and bulk, off-street parking, open space, and landscaping?

B8C The location, design, and size of the proposal are such that the development **(will) (will not)** be adequately served by existing streets, public facilities and services. This is based on

- Criteria to consider B8C:**
1. Is there water available to meet the minimum requirements for domestic consumption & fire flow?
 2. Can sewer service be provided to meet minimum requirements?
 3. Can police and fire provide reasonable service to the property?

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that **GP Land Co., LLC** for a special use permit, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

PLANNING:

1. **NEW CONSTRUCTION ONLY:** Provide an accessible paved pedestrian connection from the entrances of proposed building(s) to the existing sidewalk along Schreiber Way.
2. Design pedestrian connections to abutting parcels where feasible. Painted asphalt would be acceptable to cross vehicle lanes when no opportunity exists to provide separated pathways.

Motion by _____, seconded by _____, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Mandel	Voted _____
Commissioner Rumpler	Voted _____
Commissioner Ward	Voted _____

Chairman Messina Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN TOM MESSINA

- **ADU's In Basements**
 - ✓ Current code does not specifically allow an ADU in a basement of a single family dwelling.
 - ✓ Proposed code will allow an ADU in a basement of a single family dwelling.

- **NC Maximum Height For Accessory Structures**
 - ✓ Current code does not call out building height requirements for accessory structures in the Neighborhood Commercial Zoning District.
 - ✓ Proposed code requires a maximum building height of eighteen feet (18') for accessory structures in the Neighborhood Commercial Zoning District.

- **Caretakers Residence:**
 - ✓ Current code does not have code requirements for a Caretakers Unit.
 - ✓ Proposed code has requirements for a Caretakers Unit such as, parking, maximum size of 1400 SF, setbacks, occupancy, and maximum building height.

OTHER PROPOSED CITY CODE CHANGES AT A GLANCE (FULL AMENDMENTS ATTACHED):

- **Sidewalks required for construction over \$30,000.**
 - ✓ Current code has exemptions from requiring installing sidewalks even if the construction value is over \$30,000.
 - ✓ Proposed code will remove the exemption and require sidewalks to be installed when a building permit has a construction value that is over \$30,000.

- **Housekeeping Items:**
 - ✓ Current code does needs amendments in area to clean up the code.
 - ✓ Proposed code will address multiple areas that need fixing.

DECISION POINT RECOMMENDATIONS:

To make a recommendation to City Council on the proposed code amendments to approve, deny, or to direct staff to make changes.

Attachment: Proposed City Code Amendments
List of proposed Code Amendments

PLANNING COMMISSION STAFF REPORT

DATE: February 13, 2018

FROM: Mike Behary, Planner

SUBJECT: Zoning Code, Subdivision Code, and other minor City Code Amendments

DECISION POINT:

Staff is requesting a recommendation from the Planning Commission to City Council for the proposed code amendments to the Zoning Ordinance, Subdivision Ordinance, and other sections of the City Code.

BACKGROUND:

The City's Zoning Ordinance has been in need of an update for many years. The Planning Department staff, the Development Review Team, and the Building Department staff have discussed recent developments within the City and are aware of certain sections of the Zoning Codes that are in need of fixing. On June 6, 2017 the City Council adopted a Work Plan for the Planning Department that included general Zoning Code Amendments. Following the direction from City Council, workshops were conducted with the Planning Commission to work on the Zoning Code amendments. The Planning staff and the Planning Commission held workshops on the Zoning Code Amendments on July 11, 2017, August 22, 2018, and on November 28, 2017.

PURPOSE:

The purpose of the proposed Zoning Code amendments is to eliminate loop holes in the zoning code and to make other sections more clear and concise. The City has changed over time and is now at a time and place where existing zoning regulations are no longer relevant, some sections of the code have been taken advantage of to the extent of negatively impacting adjacent properties, and other sections have created challenges for various city departments in interpreting and administering city code. The current Zoning Ordinance was adopted in 1982 and many changes in the city have occurred since then. There have been many small amendments to the zoning code since 1982 as changes were needed.

The proposed code additions address the many issues that the city has had in regard to recent trends. One of those trends has been in regard to shipping containers being used for storage of personal items and equipment on residential lots. The setback distance of principle and accessory structures on residential lots has also been a concern that staff, citizens, and property owners have become aware of due to maintenance, stormwater, and snow storage impacting adjacent properties.

The recent workshops discussed accessory dwelling units (ADU's) in the basement or attached to the principle dwelling unit. Below is a list of some of the main items that were discussed at the recent workshops. The purpose of these revisions to the Zoning Code will continue to ensure health, safety, and welfare of the public and property owners in the City of Coeur d'Alene, while protecting property rights. The proposed changes to the Zoning Code will provide much needed updates to the Zoning Ordinance that will move the city forward in the coming years.

PROPOSED ZONING CODE AMENDMENTS AT A GLANCE (FULL AMENDMENTS ATTACHED):

- **Egress Windows:**
 - ✓ Current code allows for a two and one-half foot (2 ½') setback distance from the side property line to the egress window well.
 - ✓ Proposed code will allow for a two foot (2') setback distance from the side property line to the egress window well to address safety concerns for egress from a basement on existing residential structures and for future residential development.
- **Setbacks Accessory Buildings:**
 - ✓ Current code allows for a zero foot (0') setback distance in residential zones for detached accessory structures, but requires a minimum five-foot setback if a roof slopes toward property line.
 - ✓ Proposed code will require a minimum three-foot (3') setback distance from side and rear property lines in residential zones for detached accessory structures. A zero-foot (0') setback from the rear alley property line would still be permitted if adjacent to an alley and if the roof slopes away from the alley.

COMMENTS FROM STREETS AND ENGINEERING: “All accessory structures shall be set back from neighboring properties at least five (5) feet. The setback may be reduced to three (3) feet if the structure’s roof does not slope toward the neighboring property. A three (3) foot setback is permitted at alleys.” - Submitted by Chris Bosley, City Engineering

- **Shipping Containers:**
 - ✓ Current code does not address shipping containers as an accessory storage building.
 - ✓ Proposed code will prohibit shipping containers as storage buildings accessory to residential uses, commercial zones where residential is the principal use, C-17L, Downtown Core (DC) and all infill zoning districts.
 - ✓ Shipping containers would be permitted as accessory structures in C-17, LM, and M zoning Districts with some safety improvements and a building permit.
- **Parking for Accessory Dwelling Units (ADU’s):**
 - ✓ Current code does not require an off street parking space for ADU’s.
 - ✓ Proposed code will require one off street parking space for an ADU, consistent with the new Short-Term Rental (STR) Ordinance.
- **Ribbon Driveways:**
 - ✓ Current code does not allow ribbon driveways to serve single family dwellings.
 - ✓ Proposed code will allow, as an option for homeowners, to install a ribbon driveway to serve their residential single family dwelling; provided that landscaping is planted and maintained in between the ribbons.
- **Driveway Paving:**
 - ✓ Current code lists pavement options as asphalt, concrete, Portland cement concrete or concrete paver blocks.
 - ✓ Proposed code expands list of pavement options to include permeable pavers, grasscrete, or grassgrid, or similar material as approved by the City Engineer.

- **Sidewalk Installation:**
 - ✓ Current code includes a provision for waiving the sidewalk requirement based on distance to existing sidewalks.
 - ✓ Proposed code removes the provision to waive the sidewalk requirement, consistent with the adopted Trails & Bikeways Master Plan.

- **Hardship:**
 - ✓ Current code does require older nonconforming homes to be rebuilt to the current code if it was damaged or destroyed over 50 percent.
 - ✓ Proposed code will allow for older homes built prior to 1946 to be rebuilt over its old foundation or footprint so long as the replacement house is built to the same square footage and height of the previous structure, provided it is not in the right-of-way or over any property line. It includes a requirement for an inspection by the City Building Official or designee if the foundation is to be replaced due to the condition or quality of the original foundation.

- **Fill & Berming:**
 - ✓ Current code does not address the building up and raising of a lot by bringing in fill or dirt.
 - ✓ Proposed code will not allow for berming, filling, and the raising of a lot, but defers to the Hillside Ordinance for hillside lots.

- **Maximum Number of Residential Units Per Lot:**
 - ✓ Current code is not clear on the number of allowed dwelling units on a lot in a residential zoning district.
 - ✓ Proposed code will allow a maximum of two dwelling units on a lot in a residential zoning district.

- **Construction Permits for 120 Square Foot Accessory Uses in Residential Zones:**
 - ✓ Current code requires a Building Permit for structures 200 square feet or larger.
 - ✓ Proposed code will require a Building Permit for accessory structures equal to or larger than 120 square feet.

- **Projection Above Maximum Height:**
 - ✓ Current code allows for certain items to project above the maximum height of structures.
 - ✓ Proposed code will eliminate certain items that can project above height such as an elevator, and stairway housings, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, but will continue to allow skylights (if they are flush mount), spires, flagpoles, chimneys, radio or television aerials, masts or antennas.

- **ADU's In Basements**
 - ✓ Current code does not specifically allow an ADU in a basement of a single family dwelling.
 - ✓ Proposed code will allow an ADU in a basement of a single family dwelling.

- **NC Maximum Height For Accessory Structures**
 - ✓ Current code does not call out building height requirements for accessory structures in the Neighborhood Commercial (NC) Zoning District.
 - ✓ Proposed code allows for a maximum building height of eighteen feet (18') for accessory structures in the Neighborhood Commercial (NC) Zoning District.

- **Caretakers Residence:**
 - ✓ Current code does not have code requirements for a Caretakers Unit.
 - ✓ Proposed code has requirements for a Caretakers Unit such as: parking, maximum size of 1400 SF, setbacks, occupancy, and maximum building height.

OTHER PROPOSED CITY CODE CHANGES AT A GLANCE (FULL AMENDMENTS ATTACHED):

- **Sidewalks required for construction over \$30,000.**
 - ✓ Current code has exemptions from requiring installing sidewalks even if the construction value is over \$30,000.
 - ✓ Proposed code will remove the exemption and require sidewalks to be installed when a building permit has a construction value that is over \$30,000.

- **Other Housekeeping Items:**
 - ✓ Current code needs amendments in several areas to fix inconsistencies and streamline the noticing provisions consistent with State Statutes.
 - ✓ Proposed code amendments will address these issues.

DECISION POINT RECOMMENDATIONS:

To make a recommendation to City Council on the proposed code amendments to approve, deny, or to direct staff to make changes.

Attachment: Proposed City Code Amendments
List of proposed Code Amendments

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 ($1/2$) 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:

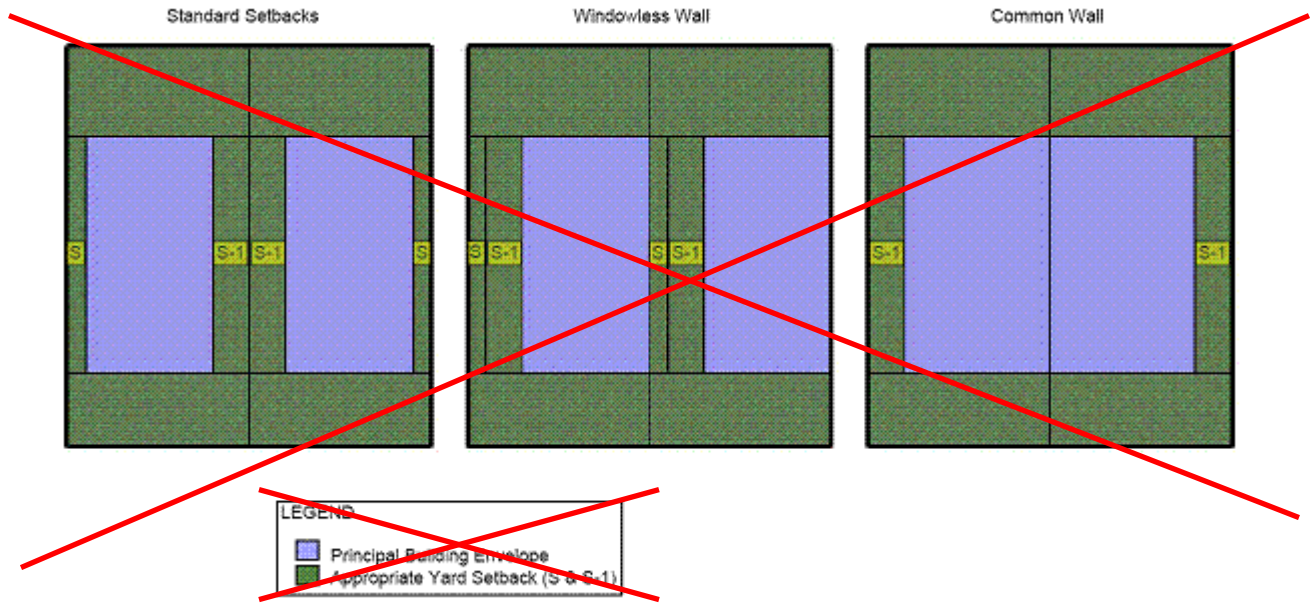
1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten foot (10') minimum.
3. Side, Street: The street side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

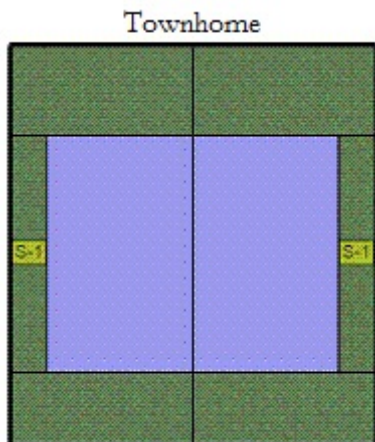
Minimum yard requirements for residential activities in an R-17 district shall be as follows:

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>Structure Type</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.

Zoning Ordinance Amendments - Feb 2018

<u>Code Number</u>	<u>Code Reference</u>
17.01.025	✓ Official Zoning Map
17.01.025	✓ Amendments - Zoning Map
17.02.030	✓ Definition - Accessory Storage Facility
17.02.040	✓ Definition - Caretakers Apartment 1400 SF Maximum
17.02.040	✓ Definition - Cargo Containers
17.02.040	✓ Definition - Construction
17.02.055	✓ Definition - Frontage
17.02.070	✓ Definition - Junk Yard
17.02.105	✓ Definition -Recreational Vehicle
17.02.130	✓ Definition -Wireless Communication Antenna Array
17.02.130	✓ Definition -Wireless Communication Facility
17.03.030	✓ Activity Group - Multi Family housing
17.05.001	✓ R-1:Clarify two dwelling units on lot
17.05.009	✓ R-1 Nonresidential setbacks
17.05.010	✓ R-3:Clarify two dwelling units on lot
17.05.075	✓ R-3: Delete Zero Setback
17.05.080	✓ R-3 Nonresidential setbacks
17.05.081	✓ R-5:Clarify two dwelling units on lot
17.05.088	✓ R-5: Site Performance Standards
17.05.089	✓ R-5 Nonresidential setbacks
17.05.090	✓ R-8:Clarify two dwelling units on lot
17.05.160	✓ R-8: Site Performance Standards
17.05.170	✓ R-12:Clarify two dwelling units on lot
17.05.180	✓ R-12:Single Family - R-12 Strike (as specified by the R-8 district)
17.05.240	✓ R-12: Site Performance Standards
17.05.260	✓ R-12:Single Family - R-17 Strike (as specified by the R-8 district)
17.05.320	✓ R-17: Site Performance Standards
17.05.760	✓ Delete -Wireless communications facility in the LM district
17.05.840	✓ Delete -Wireless communications facility in the M district
17.05.1020	✓ NC - 18' Accessory Structure Maximum Height
17.06.025	✓ Delete - Other Uses Prohibited
17.06.027	✓ Gated Communities - Prohibited
17.06.027	✓ RV use during construction - prohibited
17.06.027	✓ RV Living - prohibited
17.06.035	✓ Prohibited Activity - Fill and Berming
17.06.040	✓ Construction permits - 120 square feet
17.06.320	✓ Delete - Height Maximum of Accessory Structures
17.06.325	✓ Projections above maximum height
17.06.410	✓ Measurement of Setback
17.06.425	✓ Accessory Structure - 3 feet, slope, and (0')
17.06.480	✓ Reduce rear yard - Minimum rather than Maximum
17.06.495	✓ Extensions into required setbacks - Egress Window
17.06.620	✓ Prohibited Accessory Structures - Shipping Containers
17.06.640	✓ Accessory Structures - Shipping Containers - C-17, LM, and M
17.06.660	✓ ADU- Basements
17.06.660	✓ One Parking Space
17.06.675	✓ Caretakers Apartment - Use Standards
17.06.930	✓ Hardship - 1946
17.08.235	✓ Shoreline Projections above maximum Height
17.08.255	✓ Variances - Not allowed for building height and projection
17.44.280	✓ Driveway Approach - Not allowed in functional area of Intersection
17.44.280	✓ Ribbon Driveways - Residential
17.44.310	✓ Driveway Paving - Grasscrete

Mailing Code Amendments - Feb 2018

Code Number

Code Reference

- 16.25.030 ✓ Preliminary Plat - Final Decision - Mailing Notice
- 16.25.050 ✓ Appeal - Preliminary Plat -Final Decision - Mailing Notice
- 16.30.040 ✓ Short Plat - Final Decision - Mailing Notice
- 17.09.120 ✓ Rezoning - Procedures - Mailing Notice
- 17.09.215 ✓ Special Use - Procedures - Mailing Notice
- 17.09.330 ✓ Design Review - Procedures - Mailing Notice
- 17.09.472 ✓ PUD - Final Decision - Mailing Notice
- 17.09.615 ✓ Variance - Procedures - Mailing Notice

Other Code Amendments - Feb 2018

Code Number

Code Reference

- 2.48.020 ✓ Planning Commission Member Terms
- 12.28.210 ✓ Sidewalks - Delete the Exemption part