

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

APRIL 12, 2016

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: Jordan, Fleming, Ingalls, Luttrupp, Messina, Rumpler, Ward

APPROVAL OF MINUTES:

February 9, 2016
March 8, 2016, Workshop

PUBLIC COMMENTS:

STAFF COMMENTS:

ELECTIONS:

Chair and Vice-Chair

PUBLIC HEARINGS:

1. Applicant: GT, LLC
Location: 3045 N. Fruitland Lane
Request: A proposed zone change from MH-8 to R-12
QUASI-JUDICIAL, (ZC-1-16)
2. Applicant: City of Coeur d'Alene
Request: Proposed Porta Potty Ordinance
QUASI-JUDICIAL, (0-1-16)

OTHER:

1. Vacation Rental – Update on survey and public input

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.***



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**PLANNING COMMISSION
MINUTES
FEBRUARY 9, 2016
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Brad Jordan, Chairman
Lynn Fleming
Peter Luttrupp
Tom Messina, Vice Chair
Lewis Rumpler
Jon Ingalls

STAFF MEMBERS PRESENT:

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

COMMISSIONERS ABSENT:

Michael Ward

CALL TO ORDER:

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

STAFF COMMENTS:

Ms. Anderson congratulated Commissioner Ingalls on his recent appointment to the APA. She announced that we didn't receive any public hearing items for March, and suggested perhaps scheduling a workshop to discuss porta-potties and vacation rentals. The workshop could be held during the lunch hour, or at the regular time in the evening.

The commission decided to schedule the workshop on Tuesday, March 8th starting at 12:00 p.m.

Ms. Anderson announced that after the Fort Grounds Compatibility Ordinance workshop in January, the Fort Grounds neighbors have been working on their survey, and hopefully, the results will be available at the next Planning Commission meeting in April.

PUBLIC COMMENTS:

None.

ADMINISTRATIVE:

1. Applicant: Port of Hope Centers INC.
Request: A request for a six month extension of special use permit (SP-3-13)

Ms. Anderson presented the staff report and answered questions from the Commission.

Ms. Anderson stated that Port of Hope was recently approved for a special use permit in Post Falls that would allow them to relocate their facility from Coeur d'Alene. She explained that a six-month extension is needed for them to be able to set up their new facility in Post Falls. She contacted Warren Wilson, former Deputy City Attorney, to confirm that the special use permit was approved and he confirmed that it was.

Motion by Ingalls, seconded by Messina, to approve Item SP-3-13. Motion approved.

2. Applicant: City of Coeur d'Alene
Request Open Space Interpretation
ADMINISTRATIVE (I-1-16)

Ms. Anderson presented a PowerPoint listing the various Planned Unit Developments (PUDs) in Coeur d'Alene. She explained that this interpretation came about from a recent PUD amendment and subdivision request in Bellerive that was denied, but raised questions about open space. She stated that the application was appealed and heard by City Council, who also denied the request and directed the application back to the Planning Commission to provide clarification on the definition for open space and included in her report definitions of open space from other jurisdictions for the commission to consider. She then asked if the commission had any questions.

Commissioner Fleming stated the retaining walls holding back dirt during the construction phase should not be considered open space. She feels this type of wall is not useful to the public.

Commissioner Ingalls feels that the definition for open space should be flexible because open space means different things to different people. He stated for example, Garden Grove has its open space designed with the addition of boulders that look nice, but you wouldn't want to walk on them, but just take in the beauty of the rock.

Commissioner Rumpler referenced the slide showing Rivera Walk that looks like it is part of the open space and feels the swale is not open space and should be excluded as part of the definition for open space.

Commissioner Fleming feels that a riparian wall can be useable as part of the construction of the homes, but should not be considered useable open space. Bellerive is a perfect example of this.

Commissioner Luttrupp stated this discussion is helpful on what people think open space is to them.

Commissioner Messina stated swales are designed to take away water and agreed they are not designed as open space. He concurs with Commissioner Ingalls that the definition should not be restrictive.

Commissioner Luttrupp inquired if a loading zone should be considered open space.

Ms. Anderson feels that a loading zone is not considered open space.

Commissioner Fleming likes the word "passive enjoyment" as defined for enjoying the water or the scenery. She also likes 10% as a number provided as the minimum amount of open space that is required by the applicant.

The discussion ensued with the consensus of the commission that the list of recommendations provided by staff makes sense, but before a decision is made, they would like to have more discussion on this topic preferably at the March workshop or the April Planning Commission meeting.

3. Applicant: City of Coeur d'Alene
Request: Bellerive 4th and 5th Addition's Interpretation
ADMINISTRATIVE (I-2-16)

Ms. Anderson presented the staff report and answered questions from the Commission

Commissioner Luttrupp inquired if the other home would be allowed to be attached at the roof-line.

Ms. Anderson stated it could, but feels that the desire of the applicant is to have the homes attached by a breeze-way, allowing people to go from home to home.

Cliff Mort, applicant, explained that when the concept of the boardwalk homes came forward, the plans didn't reflect the intent of these homes. He stated in the 4th Addition, people were requesting that the homes be larger than 2,600 square feet, which would allow the homes to have some variety along the rivers edge. He explained the second part of the request is to change the definition of the carriage home from just "detached" to be "detached or attached" so the buyer is allowed to have a detached garage or carriage home and a covered walkway to the main home. He then asked if the commission had any questions.

Commissioner Ingalls agrees with the applicant and feels this should be approved.

Motion by Ingalls, seconded by Rumpler, to approve Item I-2-16. Motion approved.

PUBLIC HEARINGS:

1. Applicant: Vista Meadows, LLC
Location: 2100 W. Prairie Avenue
Request:
 - A. A proposed 15 acre annexation from County Ag. to City R-8.
LEGISLATIVE (A-1-16)
 - B. A proposed 15 acre PUD "Vista Meadows"
QUASI-JUDICIAL (PUD-1-16)
 - C. A proposed 43-lot preliminary plat "Vista Meadows"
QUASI-JUDICIAL (S-1-16)

Mr. Holm presented the staff report and answered questions from the Commission.

Commissioner Ingalls complimented staff on a great presentation and questioned if this is the right time to annex this property into the city. He commented that he has concerns with the connections needed to provide sewer and water. He explained that this project is proposed to be done in three phases and feels if Phase 1 is completed, what happens if the water and sewer connections don't happen for a number of years, and if would staff be ok with that.

Mike Becker, City Wastewater Department, explained that during the interim, the subject property may discharge sewage into the existing public sewer infrastructure at the west end of Alps via a temporary private pump station. This pump station will be owned and operated by the development HOA and at no cost to the city.

Commissioner Ingalls questioned if it would be acceptable to staff if phases two and three don't occur for a number of years.

Mr. Becker stated that they have discussed their concerns with the applicant and is confident that this can work on a temporary basis until a more permanent fix is available.

Chairman Jordan commented that he hopes that the issue with the sewer will be included in the CC&R's so people will not be calling the city to complain.

Mr. Becker commented that during the interim period, the city will get calls, but they are ok with that until a more permanent connection is done and then that will be the responsibility of the applicant and the HOA.
Public Testimony open.

Sandy Young, applicant representative, presented a PowerPoint presentation showing a plat map that will include 43 lots and 106 units. Vista Meadows will include a mix of multi-family lots with community open space areas and a park. The main entrance to the subdivision will be off Prairie Avenue with an emergency access through Alps Street to the south. Emergency access will provide a secondary point of access for emergency vehicles or in the event residents cannot access Prairie Avenue. She stated that the only deviation they are requesting is a 20 foot rear setback on Lot Type 3 for multi-family structures only. She commented that the applicant will work with the City of Coeur d'Alene's legal department to provide all required language for the CC&R's in regard to maintenance of all private infrastructure. She stated that this project is similar to the Cottage Grove development approved by the commission last month.

John Beutler, owner, stated that he has owned the property for 10 years and the market value has gone up and down during this time. In answering a question from Commissioner Ingalls, who questioned if this is the right time to annex this property, he feels it is. He explained currently on the market there is only one duplex available in Post Falls and feels the demand for this type of housing is needed. He commented that he has first time home buyers who buy a duplex to live in, and rent out the other side and eventually, move into something bigger, while keeping the duplex as an investment property.

Public Testimony closed.

Motion by Ingalls, seconded by Fleming, to approve Item A-1-16. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 5 to 0 vote.

Motion by Ingalls, seconded by Messina, to approve Item PUD-1-16. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 5 to 0 vote.

Motion by Ingalls, seconded by Rumpler, to approve Item S-1-16. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 5 to 0 vote.

- 2. Applicant: Mort Construction, LLC
- Location: 3989 N. Player Drive
- Request: A proposed 1.60 acre PUD "The Lodge at Fairway Forest - 2nd Addition"
QUASI-JUDICIAL (PUD-2-16)

Mr. Behary presented the staff report. There were no questions for staff.

Public Testimony open.

Cliff Mort, applicant, stated that they came before the Planning Commission in 2012 for approval of a Handicapped and Minimal Care special use permit, that was approved. Since that time, the first building had reached capacity and he came to the city for plans for a second building. When meeting with staff, they recommended that because the design of the second building would not meet the required front property-line setbacks, staff suggested applying for a Planned Unit Development (PUD) which would allow the deviation for the front-yard setback, but to meet that setback, 1.5 acres was needed to meet the setback and would be achieved through a vacation. This request is more of a housekeeping issue and feels when the project is completed, it will be a nice addition to the community.

Commissioner Ingalls commented that once the right of way is obtained, it will hopefully be landscaped to look like the surrounding property.

Mr. Mort stated that the property will be landscaped to match the rest of the property.

Chairman Jordan questioned if the building could have been redesigned to meet the required setback.

Mr. Mort explained that they did think of that but would not work and compromise the design of the building.

Mr. Rumpler stated that he is familiar with this building and complimented the applicant on the quality of the existing building and feels that this project will be a nice addition to the neighborhood.

Public Testimony closed.

Discussion:

Motion by Messina, seconded by Fleming, to approve Item PUD-2-16

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 5 to 0 vote.

ADJOURNMENT:

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

The meeting was adjourned at 8:00 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION
MINUTES
MARCH 8, 2016
OLD COUNCIL CHAMBERS
710 E. MULLAN AVENUE**

COMMISSIONERS PRESENT:

Brad Jordan, Chairman
Lynn Fleming
Michael Ward
Peter Luttrupp
Tom Messina, Vice Chair
Jon Ingalls

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Shana Stuhlmiller, Public Hearing Assistant
Kathy Lewis, Deputy City Clerk
Mike Becker, Utility Project Manager
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

Lewis Rumpler

CALL TO ORDER:

The meeting was called to order by Chairman Jordan at 12:00 p.m.

STAFF COMMENTS:

UPDATE ON VACATION RENTAL

Hilary Anderson, Community Planning Director, stated that 507 people have taken the vacation rental survey that is currently on the city web site, and from that survey, 61% are in favor of regulating vacation rentals, and 39% are opposed. She stated that the April 12th Planning Commission meeting will have public comment on vacation rentals.

WORKSHOP:

1. Porta-Potty Ordinance

Ms. Anderson stated that the City Council and Planning Commission held a joint workshop on January 14, 2016. The agenda included the use of Porta-Potties for seasonal businesses. The request was made by a local business owner who desired to use Porta-Potties on a seasonal basis for a beer garden. Ms. Anderson then presented a Powerpoint detailing the ordinance purpose; uses permit requirements, exceptions, performance standards and violation of the ordinance, and then asked if the commission had any questions.

Commissioner Luttrupp inquired if the city has any standards for odor control. Mike Becker, Utility Project Manager, explained that the Wastewater Department is very careful about odors, and if this is approved, will have to make sure that is not an issue.

Bill Greenwood, City Parks and Recreation Director, stated they add special enzymes to city park toilets to help control odors. Mr. Becker added that Panhandle Health regulates these issues and if this project is approved, it will have to meet those regulations.

Commissioner Ingalls inquired if Porta-Potties will be allowed near residential homes, and if staff has a definition for private parks. He cited, for example, if the Roosevelt Inn is having a wedding and will need a Porta-Potty for one day. Ms. Anderson stated that staff can add a definition of private parks to the ordinance. Ms. Lewis stated that without a definition for private parks, a number of food trucks may take advantage of any open space and claim it to be a private park.

Commissioner Ingalls stated that he feels Crafted is trying to be creative and appreciates that, but some rules need to be established to make this project a win/win for the applicant and the city.

Commissioner Messina stated that he rents Porta-Potties routinely during his construction process on job sites and feels that staff should not have to check every person for permits using Porta-Potties near their residence. Commissioner Messina further commented that major events such as Ironman and other significant events in the city should be required to obtain a permit.

Chairman Jordan stated he agrees that something needs to be done with the definition for a private residential area, especially if there is some type of family reunion or other big event held for more than one day.

Commissioner Fleming feels that the term "seasonal" has different meanings and explained with a project like Crafted, they should be limited to a number, like 90 days, for example, and not just state "seasonal".

Commissioner Ward inquired regarding the time-limit for food trucks and suggested to make it the same for simplicity.

Kathy Lewis, Deputy City Clerk, commented that food trucks are allowed 180 days at one location, and for example, one of the vendors in town will move her truck to another location after the time is up. She stated these people are shrewd and concurs about private parks being properly defined, because a parcel of vacant land could be defined as a private park.

Commissioner Ingalls indicted that Crafted is driving why this Porta-Potty ordinance is coming forward. He stated that Crafted is a unique situation and perhaps we will be seeing more projects like this in the future.

Ms. Lewis stated that Zips had a complaint during the summer when different events were occurring within the city, people would come in and use their toilets and it got so busy they couldn't afford the additional toilet paper.

Commissioner Ward stated that the Farmers Market vendors are there to make a profit and should have to get a permit for the Porta-Potties they have on site.

Chairman Jordan commented we have a great downtown, which is why people come here in the summer. He feels that some things need to be regulated, but not everything. He commented that we don't want to drive people away.

Commissioner Luttrupp inquired regarding the summer event "Live after 5" and if they would need to get a permit for the use of Porta-Potties if this ordinance is approved.

Ms. Anderson responded that they would need to get a permit and would also need to have the Porta-Potties screened.

Commissioner Messina stated that after an event, the Porta-Potties should be promptly removed, but for ongoing events, he agrees there should be a permit. He also stated that when he gets these for a job site, he pays the additional charge to have it clean.

A discussion ensued whether handwashing stations should be included, and if bus stops should be screened, as there have been problems with public urination.

Chairman Jordan commented that he appreciates the Porta-Potties in public parks and gave kudos to the city for keeping them clean.

Commissioner Fleming questioned whether the property owner on Best Avenue that allows the food truck vendors to operate should be responsible for obtaining the permit.

Mr. Greenwood noted a correction to the draft ordinance that "baseball diamonds" should be replaced with "baseball fields".

Ms. Anderson commented, as stated earlier, that people have been using them as restrooms, and questioned if the commission feels that a screened Porta-Potty should be allowed so this doesn't happen.

Mr. Greenwood stated that he has a problem with people who would use the handicap bathroom stalls as a place to sleep.

Chairman Jordan inquired where the information came from for this ordinance.

Randy Adams, Deputy City Attorney, explained that a lot of the language was taken from other cities. He commented that his research indicated that in Los Angeles, people would sleep in the Porta-Potties on skid row.

Commissioner Messina suggested if there is going to be a requirement to screen around the Porta-Potties, to perhaps involve the Arts Commission and see if they could come up with a few designs to choose from.

Chairman Jordan inquired regarding the next step for this process.

Ms. Anderson explained that the next step will be to incorporate the changes to the ordinance suggested today and schedule this on the next Planning Commission meeting on April 12th.

The meeting adjourned at 1:30 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION
STAFF REPORT**

FROM: MIKE BEHARY, PLANNER
DATE: APRIL 12, 2016
SUBJECT: ZC-1-16 ZONE CHANGE FROM MH-8 TO R-12
LOCATION: +/- .91 ACRE PARCEL LOCATED AT 3045 N. FRUITLAND LANE

APPLICANT/OWNER:

GT, LLC
4773 W Mill River Court
Coeur d'Alene, ID 83814

DECISION POINT:

GT, LLC is requesting approval of a zone change from MH-8 (Mobil Home at 8 units/acre) to R-12 (Residential at 12 units/acre) zoning district.

BACKGROUND INFORMATION:

The subject property is located west of the intersection of N. Fruitland Lane and W. Cherry Lane. There is an existing house and detached garage located on the subject site. The property has been used as a single family residence for many years. Toward the rear of the property there are electrical transmission lines that traverse over the property at an angle.

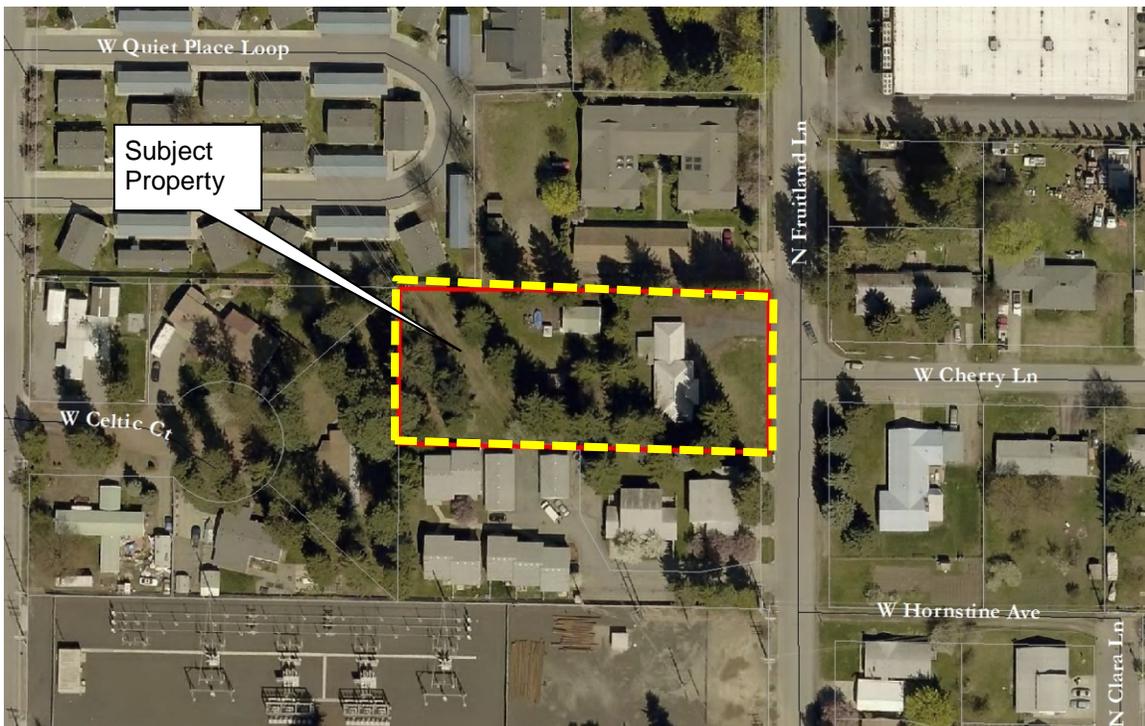
The property is surrounded by the R-12 zoning district on three sides. There is a pocket housing development located on the adjacent property to the south and an apartment complex located on the adjacent property to the north. The applicant has indicated that they intend to demolish the existing single family dwelling and create a pocket housing development if the proposed zone change is approved.

However, it should be noted that the applicant's proposed project plan is not tied to the requested zone change. If the subject site is approved to be changed to the R-12 Residential District, then all permitted uses in the R-12 Residential District would be allowed on this site including the applicant's proposed project.

PROPERTY LOCATION MAP:



AERIAL PHOTO:

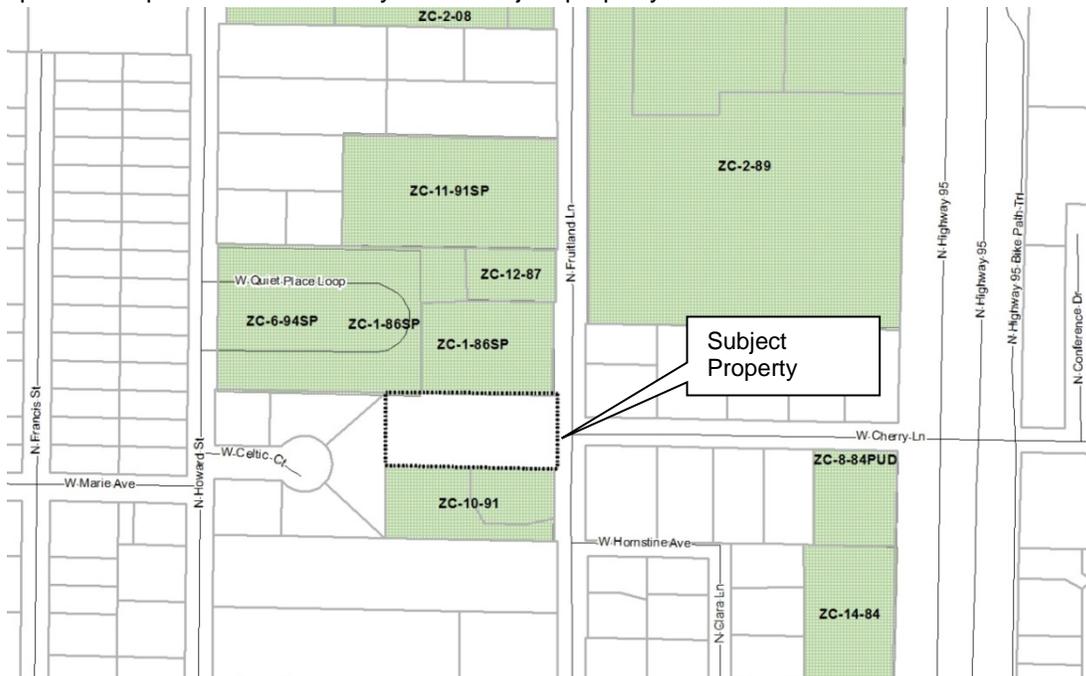


APPLICANT'S EXHIBIT OF PROPOSED ZONE CHANGE:



PRIOR LAND USE ACTONS:

Planning Commission and City Council approved a zone change request (ZC-1-86SP) north of the subject property from MH-8 to R-12 in 1986. Another zone change from MH-8 to R-12 was approved on the property to the south of the subject property (ZC-10-91) in 1991. As seen in the map provided below, the area is in transition with a multitude of approved zone changes and special use permits in the vicinity of the subject property.



GENERAL INFORMATION:

The Residential R-12 District is intended as a residential area that permits a mix of housing types at a density of not greater than 12 dwelling units per gross acre. This district is appropriate 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 landside hazard areas.

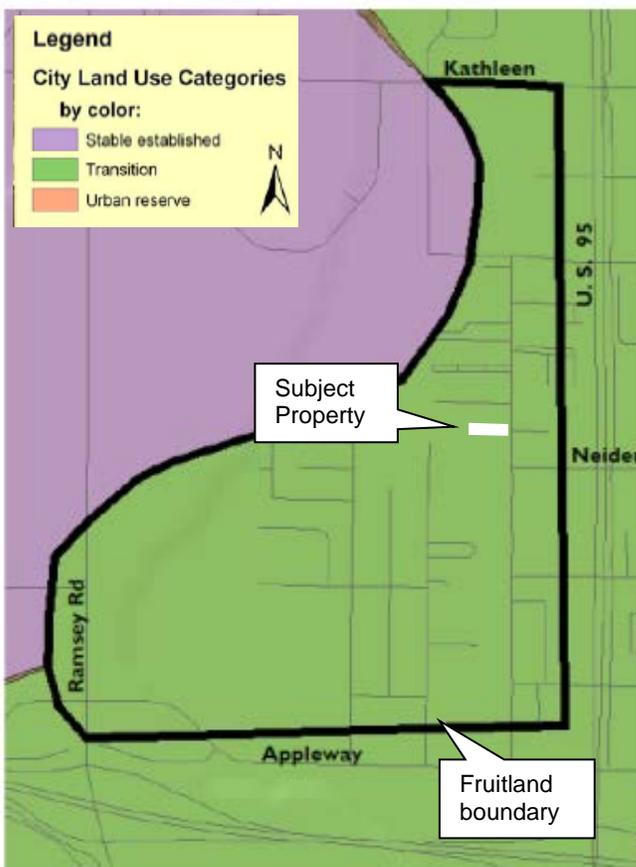
REQUIRED FINDINGS:

- A. **Finding #B8:** That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.

2007 COMPREHENSIVE PLAN- LAND USE CATEGORY:

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as Fruitland-Transition:

Land Use: Fruitland



Transition:

These areas are where the character of neighborhoods is in transition and should be developed with care. The street network, the number of building lots and general land use are expected to change greatly within the planning period.

Fruitland Tomorrow

Generally this area is envisioned as a commercial corridor with adjacent multi-family uses and will maintain a mix of the housing types that currently exist.

Commercial and manufacturing will continue to expand and care must be used for sensitive land use transition. A traffic study for US 95 is underway which may affect future development in this area.

The characteristics of Fruitland neighborhoods will be:

- That overall density will approach eight residential units per acre (8:1).
- That single and multi-family housing should be located adjacent to compatible uses.
- Pedestrian and bicycle connections are encouraged.
- Uses that strengthen neighborhoods are encouraged.

The characteristics of Fruitland commercial areas will be:

- Commercial buildings will remain lower in scale than in the downtown core.
- Native variety trees will be encouraged along commercial corridors.

COMPREHENSIVE PLAN GOALS & OBJECTIVES:

Goal #1: Natural Environment

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

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 1.16

Connectivity:

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks and trail systems.

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and encourages economic growth.

Objective 2.05

Pedestrian & Bicycle Environment:

Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

Goal #3: Home Environment

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

Objective 3.01

Managed Growth:

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

Objective 3.05

Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.07

Neighborhoods:

Emphasize a pedestrian orientation when planning neighborhood preservation and revitalization.

Objective 3.10

Affordable & Workforce Housing:

Support efforts to preserve and provide affordable and workforce housing.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management in city government.

Objective 4.06

Public Participation:

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

Evaluation:

The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.

B. Finding #B9: That public facilities and utilities (are) (are not) available and adequate for the proposed use.

STORMWATER:

Stormwater issues are not a component of the proposed zone change, any storm issues will be addressed at the time of development on the subject property. City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site.

-Submitted by Chris Bates, Engineering Project Manager

STREETS:

The subject property is bordered by Fruitland Lane on the east. This existing roadway is in varying stages of improvement from partial (no curb, gravel shoulder), to, fully developed (full curb/sidewalk) street sections. Any development on the subject property will result in the installation of full street improvements. These improvements will be addressed through the building permit process at the time of development on the subject property.

-Submitted by Chris Bates, Engineering Project Manager

WATER:

The property in question is currently served by a 12" water main in Fruitland Ln. and the property has one ¾" service providing water to the existing structure. There is sufficient capacity to provide additional service to the property relative to the proposed zone change. All new service connections and any potential fire flow related improvements will be the responsibility of the property owner/developer at their expense. The Water Department has no objections to the zone change as proposed.

-Submitted by Terry Pickel, Water Superintendent

SEWER:

Public sewer is available at the subject site and of adequate capacity to support this zone change. The Wastewater Utility has no objections to the zone change as proposed.

-Submitted by Mike Becker, Utility Project Manager

FIRE:

The Fire Department works with the Engineering and Water 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 building permit or site development, utilizing the currently adopted International Fire Code (IFC) for compliance. The City of Coeur d'Alene Fire Department can address all concerns at site and building permit submittals.

-Submitted by Bobby Gonder, Fire Inspector

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the public facilities and utilities are adequate for the request.*

- C. **Finding #B10:** **That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.**

PHYSICAL CHARACTERISTICS:

The site is generally flat with residential uses adjacent. There are no topographical or other physical constraints that would make the subject property unsuitable for the request.

SITE PHOTO - 1: Looking west through center of property.



SITE PHOTO - 2: Northeast corner of property looking south along Fruitland Lane



SITE PHOTO - 3: West part of property looking east



Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the physical characteristics of the site make it suitable for the request at this time.*

D. Finding #B11: That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.

TRAFFIC:

Without a defined use for the subject property, approximate traffic generation cannot be estimated, however, the change from a MH-8 zonal use to an R-12 zonal use is insignificant in terms of the amount of vehicle traffic generated. The average peak hour traffic from an MH-8 zone amounts to 0.52 trips, whereas, the average peak hour rate for a residential zone is 0.90. The subject property is situated adjacent to major N/S and E/W arterial roadways with multiple signals for traffic control, and adjoining local streets that intersect these arterials. These roadways will accommodate traffic generated through the proposed zone change on the subject property.

NEIGHBORHOOD CHARACTER:

From 2007 Comprehensive Plan: Fruitland Today

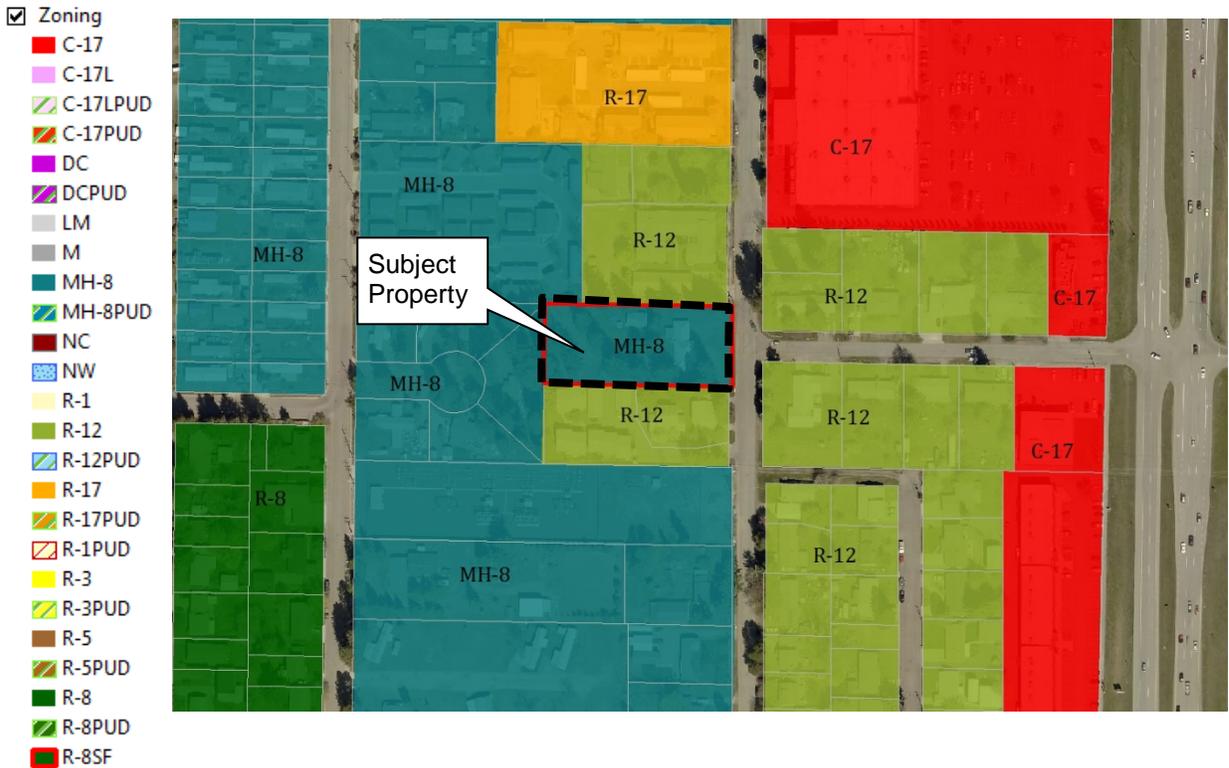
Fruitland is generally known as the area bordered by commercial uses along US 95, Kathleen Avenue to the north, commercial uses on Appleway Avenue south, and the area separated by manufacturing and residential along the west.

The Fruitland area is home to diverse land uses. Commercial uses are common near major corridors transitioning to single-family housing with pockets of multi-family housing and mobile home parks. Manufactured homes are prevalent in areas removed from the US 95 corridor, and continued growth provides affordable housing for residents. Fruitland has the largest concentration of mobile home zoned property within city limits.

GENERALIZED LAND USE PATTERN:



ZONING MAP:



Approval of the zone change request could intensify the potential use of the property by increasing the allowable uses by right from MH-8 uses to R-12 uses (as listed below).

Existing MH-8 Zoning District:

Principal permitted uses in an MH-8 district shall be as follows:

- Individual mobile homes
- Home occupations as defined in Sec. 17.06.705
- Essential services (underground)
- Civic administrative offices
- Single family detached housing
- Neighborhood recreation
- Public recreation

Permitted uses by special use permit in an MH-8 district shall be as follows:

- | | |
|------------------------------------|----------------------------|
| • Community assembly | • Mini-storage facility |
| • Community education | • Mobile home park |
| • Community organization | • Noncommercial kennel |
| • Convenience sales | • Religious assembly |
| • Essential service (above ground) | • Bed & breakfast facility |

Proposed R-12 Zoning District:

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

- Civic Administrative Offices
- 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

Permitted uses by special use permit in an R-12 district shall be as follows:

- Boarding house
- Childcare facility
- Commercial film production
- Commercial recreation
- Community assembly
- Community education
- Community organization
- Convenience sales
- Essential service (aboveground)
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Juvenile offenders facility
- Noncommercial kennel
- Religious assembly
- Restriction to single-family only
- Two (2) unit per gross acre density increase

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)/(or) existing land uses.*

APPLICABLE CODES AND POLICIES:

UTILITIES:

1. All proposed utilities within the project shall be installed underground.
2. All water and sewer facilities shall be designed and constructed to the requirements of the City of Coeur d'Alene. Improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
3. All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.

STREETS:

4. Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
5. All required street improvements shall be constructed prior to issuance of, or, in conjunction with, building permits.
6. An encroachment permit is required to be obtained prior to any work being performed in the existing right-of-way.

STORMWATER:

7. A stormwater management plan shall be submitted and approved prior to start of any construction. The plan shall conform to all requirements of the City.

PROPOSED CONDITIONS:

None

ORDINANCES & STANDARDS USED FOR EVALUATION:

2007 Comprehensive Plan
Transportation 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
2010 Coeur d'Alene Trails Master Plan

ACTION ALTERNATIVES:

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



**APPLICANT'S
NARRATIVE**

GT, LLC Zone Change

PROJECT NARRATIVE

Coeur d'Alene, Idaho

February 29, 2016



*3909 N. Schreiber Way, Suite 4
Coeur d'Alene, Idaho 83815
Phone/Fax: 208-676-0230*

INTRODUCTION

The project proponent, GT, LLC is requesting a zone change of approximately 0.91 acres of property within the City of Coeur d’Alene. The subject property is located to the West of the intersection of Fruitland Lane and Cherry Lane. Currently, there is an existing single-family residence with a couple of outbuildings located on the property.

SUBJECT PARCEL

The property being requested for zone change is as follows:

Parcel No: C-4050-000-040-A
Area: 0.91 acres



Figure 1: Vicinity Map

ZONING CLASSIFICATION

The property is currently zoned MH-8 in the City of Coeur d’Alene. The properties to the North, South and East consist of R-12 zoned parcels. The properties to the West are zoned MH-8. The

project proponent is requesting a zoning classification of R-12. As can be seen from Figure 2, the requested zoning classification is in conformance with the goals of the Comprehensive Plan and is compatible with the surrounding land uses.

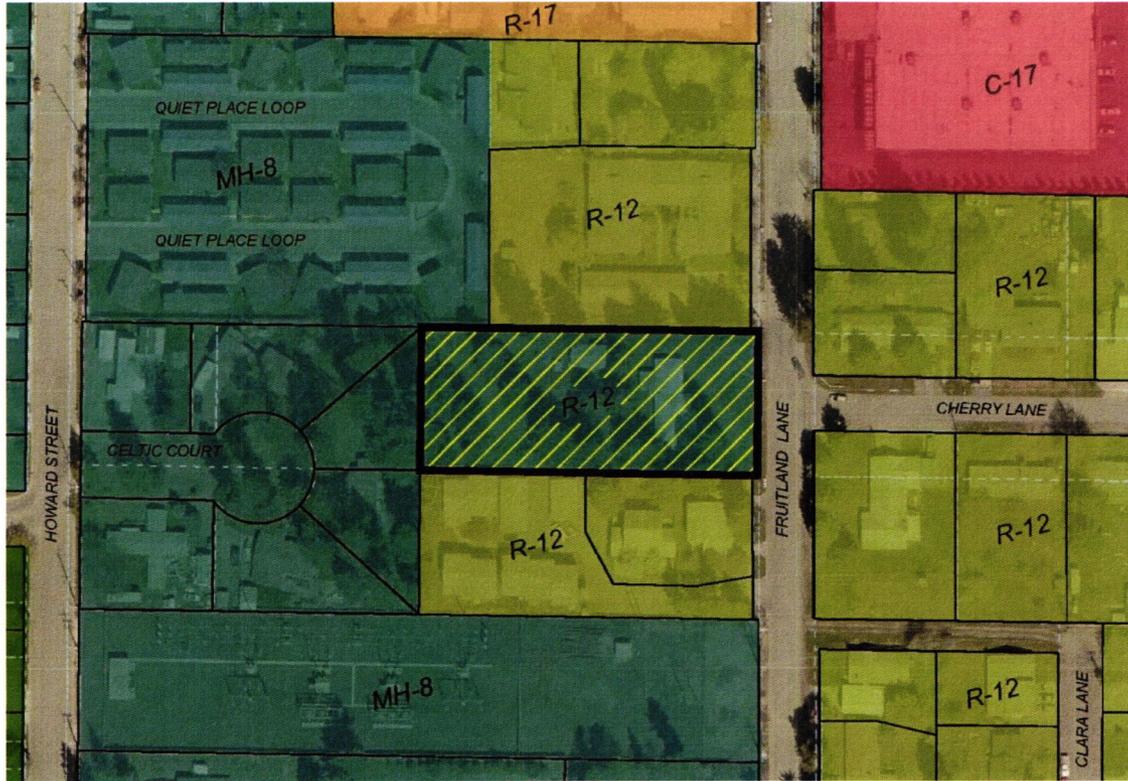


Figure 2: Proposed Zoning Map

COMPREHENSIVE PLAN ANALYSIS

The property lies in a *Transition* area in the center of the Fruitland land use area per the City of Coeur d'Alene Comprehensive Plan. Neighborhood characteristics for this land use tend to be diverse with commercial uses near the major corridors transitioning to single-family housing with pockets of multi-family housing and mobile home parks. Overall density will approach 8 residential units per acre. Single-family and multi-family housing should be located to adjacent compatible uses and encourage pedestrian and bicycle connections. The proposed zoning would be consistent with the Comprehensive Plan.

The City of Coeur d'Alene Comprehensive Plan is the guiding document for all land use development decisions. It is important that land use decisions meet, or exceed, the goals, policies and objectives as outlined in the Comprehensive Plan. The project proponent believes that the following Goals and Objectives (shown in *italics*) as outlined in the Comprehensive Plan are applicable to the requested annexation and zone classification:

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

The subject property currently has a single-family residence and a couple of outbuildings. The adjacent parcels are multi-family thus the proposed zoning will allow development of the property to match that of the surrounding land uses.

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

Existing utilities including sanitary sewer and domestic water are extended to this property from Fruitland Lane. These services are readily available and have the capacity to serve future development. This property is already included in the Sewer, Water and Transportation Master Plans for the City, and will be developed in accordance with the same.

Objective 3.05 – Neighborhoods: Protect and preserve existing neighborhoods from incompatible land uses and developments.

The proposed zoning will allow for the future development of a multi-family residential subdivision that will be similar in character and style of the surrounding neighborhoods.

Objective 3.10 – Affordable & Workforce Housing: Support efforts to preserve and provide affordable and workforce housing.

The proposed residential zoning will allow for the construction of affordable market housing at a density that is compatible with the surrounding properties.

PRE-DEVELOPMENT CONDITIONS

The subject property has a single-family residence with a couple of outbuildings and is relatively flat. The property has an established grass yard and mature trees.

Fruitland Lane would require minor frontage improvements consisting of curb and gutter, sidewalks, and asphalt widening.

Figure 3 below shows the current site conditions.



Figure 3: Existing Site Conditions

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

A. INTRODUCTION

This matter having come before the Planning Commission on, April 12, 2016, and there being present a person requesting approval of: ZC-1-16, a request for a zone change MH-8 (Mobile Home at 8 units/acre) to R-12 (Residential at 12 units/acre) zoning district.

APPLICANT: GT, LLC

LOCATION: +/- .91 ACRE PARCEL LOCATED AT 3045 N. FRUITLAND LANE

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

(The Planning Commission may adopt Items B1-through7.)

- B1. That the existing land uses are residential and commercial.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is MH-8(Mobile Home at 8 units/acre).
- B4. That the notice of public hearing was published on, March 26, 2016, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, March 30, 2016, which fulfills the proper legal requirement.
- B6. That 64 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on March 25, 2016.
- B7. That public testimony was heard on April 12, 2016.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

B9. That public facilities and utilities **(are) (are not)** available and adequate for the proposed use. This is based on

Criteria to consider for B9:

1. Can water be provided or extended to serve the property?
2. Can sewer service be provided or extended to serve the property?
3. Does the existing street system provide adequate access to the property?
4. Is police and fire service available and adequate to the property?

B10. That the physical characteristics of the site **(do) (do not)** make it suitable for the request at this time because

Criteria to consider for B10:

1. Topography
2. Streams
3. Wetlands
4. Rock outcroppings, etc.
5. vegetative cover

B11. That the proposal **(would) (would not)** adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, **(and) (or)** existing land uses because

Criteria to consider for B11:

1. Traffic congestion
2. Is the proposed zoning compatible with the surrounding area in terms of density, types of uses allowed or building types allowed
3. Existing land use pattern i.e. residential, commercial, residential w churches & schools etc.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of GT, LLC for a zone change, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

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

ROLL CALL:

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

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN



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MEMORANDUM

Date: April 12, 2016
To: Planning Commission
From: Hilary Anderson, Community Planning Director
Subject: O-1-16. Porta Potty Ordinance

DECISION POINT:

Provide a recommendation to the City Council on the Porta Potty Ordinance.

HISTORY:

The City Council and Planning Commission held a joint workshop on January 14, 2016. One of the agenda items was the USE OF PORTA POTTIES FOR “SEASONAL” BUSINESSES. The request was made by a local business owner who was desiring to use porta potties on a seasonal basis for a beer garden.

City Code currently restricts the use of privies in the city other than for construction activities and does not speak to portable toilets. ([City Code Section 13.12.010: Privies; Restrictions](#))

After much discussion about the difference between privies and porta potties, how porta potties are used in some city parks and at special events, the possible need for handwashing stations, the definition of seasonal businesses, public land versus business use, the practical application of use at a commercial business, the cost of building porta potty structures and enforcement, the City Council directed staff to develop codes regulating porta potties including provisions for public use, special events, commercial use, seasonal guidelines and a definition of a seasonal business, and enclosures/aesthetics related thereto.

Staff from the legal, planning, municipal services, wastewater, parks and recreation, and building departments met after the workshop to come up with a list of key components to be included in a draft ordinance. An ordinance was then drafted to address those issues in addition to the items requested by the City Council.

A workshop was held with the Planning Commission on March 8th where staff asked for input on the key components of the draft ordinance before staff moved forward with finalizing the ordinance and scheduling a public hearing. Input from the workshop has been incorporated into the Porta Potty Ordinance. Language has been added to allow the use of porta potties at public transit sites provided the city approves the location, and the temporary use of porta potties for special events and private functions without a permit.

Additionally, input from the Municipal Services Department has been incorporated to allow portable toilets for seasonal commercial uses on property zoned manufacturing and for the possible seasonal use of portable toilets for temporary mobile vendors.

FINANCIAL ANALYSIS:

The proposed ordinance is anticipated to be cost neutral. There would be an administrative permit with a fee that would cover administrative costs. Otherwise, any additional costs to the city would be nominal.

PERFORMANCE ANALYSIS:

The key components of the Porta Potty Ordinance include:

- The purpose of the ordinance: to preserve and protect the health, safety, and general welfare of persons and property in the City by regulating the location and maintenance of portable toilets, and requiring a permit for their use and placement.
- A definitions section, including a definition of “seasonal use” as no more than one-hundred eighty (180) consecutive days in a calendar year and “temporary use” as not exceeding seven (7) consecutive days and not repeated within the calendar year.
- A statement of allowable use: Portable Toilets may only be used to provide: bathroom facilities for community and special events; seasonal bathroom facilities in conjunction with commercial activities; bathroom facilities in conjunction with and during public or private construction activities; bathroom facilities located on public property for members of the public; and bathroom facilities for Temporary Use under special circumstances when adequate permanent bathroom facilities are unavailable. In no case shall portable toilets be placed or maintained as permanent sanitary facilities or in lieu of the connection of a site or facility to the City’s sanitary sewer system.
- The allowance for use of portable toilets with an administrative permit for commercial uses in commercial and manufacturing zones, but only on a seasonal basis.
- The requirement for an administrative permit, together with the necessary contents of a permit application and exceptions to the permit requirement.
- Screening requirements and clarification on when DRC review is required.
- Establishment of standards for setbacks, orientation/screening, location of portable toilets, and required maintenance.
- A declaration that portable toilets placed or maintained in violation of the ordinance constitute a public nuisance.
- A provision that the ordinance will be enforced by any authorized City official.

DECISION POINT/RECOMMENDATION:

Recommend that the City Council adopt the Porta Potty Ordinance with any necessary changes.

13.12.010: PRIVIES; RESTRICTIONS PORTABLE TOILETS; REGULATIONS:

~~No person or persons shall construct or maintain any privy in the city; provided, however, that temporary privies may be constructed during the course of construction of any building and at a place and in a manner approved by the city engineer.~~

A. PURPOSE AND APPLICABILITY:

The purpose of this ordinance is to preserve and protect the health, safety, and general welfare of persons and property in the City by regulating the location and maintenance of portable toilets, and requiring a permit for their use and placement.

B. DEFINITIONS:

As used in this section, the following terms shall have the meaning defined herein.

1. Community Event. A planned occasion or activity open to the general public and sponsored by the City, another governmental entity, or a private party.
2. Offensive Odor. Any noxious or unpleasant odor escaping from the Portable Toilet structure that can be detected outside of said structure.
3. Owner. The owner of the Portable Toilet and the owner of the property on which the Portable Toilet is located.
4. Portable Toilet. A free-standing, movable toilet structure equipped with a water-tight impervious container which receives waste discharged through a hopper, seat, urinal or similar device, and into which container may be placed disinfecting or deodorizing chemicals, and which is not designed or intended for connection to a sewer system with a standard connection. For the purposes of this section, Portable Toilet and chemical toilet shall have the same meaning.
5. Private Parks. Privately-owned passive or active recreation areas which occupy a discrete area, including but not limited to: parks, beaches, docks, hiking trails, natural areas, wildlife areas, arboretums, open grassy areas, baseball and football fields, tennis courts, basketball courts, play fields, playgrounds, outdoor swimming pools, fitness courses and tracks, and golf courses and driving ranges. For the purposes of this definition, common areas owned and maintained by homeowners associations are also included.
6. Privy. An outbuilding with one or more seats and a pit serving as a toilet.

7. Responsible Party. Any person or entity renting or leasing a Portable Toilet.
8. Seasonal Use. Use that is dependent upon or accompanying the seasons of the year or some particular season, and that is repeated or intended to be repeated annually, but for no more than one-hundred eighty (180) consecutive days in a calendar year.
9. Special Event/Private Function. A planned occasion or activity open only to a limited group of people invited by the host or sponsor. A Special Event may occur only on private property.
10. Temporary Use. Use that lasts, exists, serves, or is effective for a limited time only, not exceeding seven (7) consecutive days, and which is not repeated, or intended to be repeated, subsequently within the calendar year.

C. ALLOWED AND PROHIBITED USES:

1. Portable Toilets may only be used to provide: bathroom facilities for community and special events; seasonal bathroom facilities in conjunction with commercial activities; bathroom facilities in conjunction with and during public or private construction activities; bathroom facilities located on public property for members of the public; and bathroom facilities for Temporary Use under special circumstances when adequate permanent bathroom facilities are unavailable.
2. In no case shall portable toilets be placed or maintained as permanent sanitary facilities or in lieu of the connection of a site or facility to the City's sanitary sewer system.
3. No person shall construct or maintain a privy in the City.

D. PERMIT REQUIRED:

1. Except as provided in subsection 4, no Portable Toilet for an Allowed Use shall be placed or maintained on public or private property without first obtaining an administrative permit from the City.
2. The following information shall be provided as part of the permit application:
 - a. The site address where the Portable Toilet will be located.
 - b. The date(s) during which the Portable Toilet is to be located on the property.

- c. The name, address and phone number of the owner of the Portable Toilet and contact information for the owner of the property upon which the Portable Toilet will be placed.
 - d. The name and address of the Responsible Party.
 - e. A description of the Allowed Use for which the Portable Toilet is requested.
 - f. A site plan identifying the proposed location of the Portable Toilet and any proposed handwashing/hand-sanitizing stations.
 - g. A description of the emptying and maintenance schedule and procedures for the Portable Toilet and any handwashing/hand-sanitizing station, together with identification of the location of disposal of waste materials from the Portable Toilet and documentation of authorization for said disposal.
 - h. A rendering, showing the location of the Portable Toilet on the property, how it will be screened from the street and/or adjacent residential areas, and a description of materials to be used for screening, shall be provided for review by the Planning Department. (Requirements for screening of service areas can be found in the Downtown Design Guidelines and Commercial Design Guidelines.)
3. If the Portable Toilet is part of a proposed new use, the project in its entirety (including screening of the Portable Toilet) may be subject to review by the Design Review Commission under Section 17.09, IV. Design Review Procedures, of the Zoning Code, prior to the issuance of a permit.
4. A Portable Toilet placement permit shall not be required for:
- a. The placement of Portable Toilets by the City on public property for Temporary Use in conjunction with community events.
 - b. Any placement of Portable Toilets by the City for use by the public on property owned, leased, or maintained by the City.
 - c. The placement of Portable Toilets at public transit sites, PROVIDED, the City shall approve the location of the placement.
 - d. The placement of Portable Toilets on public or private property in conjunction with public road and utility construction projects, PROVIDED, the City shall approve the location of the placement.
 - e. The placement of Portable Toilets on private property in conjunction with private development road and utility projects during periods of active construction.

f. The placement of Portable Toilets to support emergency services operations during emergencies and natural disasters, and during interruption of sewer service due to emergencies or planned upgrades/repairs.

g. The placement of Portable Toilets on private property for no more than three (3) consecutive days for a Special Event or Private Function. If Portable Toilets are placed or maintained for more than three (3) Special Events or Private Functions on the same property in the same calendar year, a permit shall be required and screening provided for the Portable Toilet.

E. STANDARDS; LOCATION AND ORIENTATION.

1. Setbacks. Non-screened Portable Toilets shall be located at least eight (8) feet from any property line.

2. Setbacks, lakes, streams, and swales. Portable Toilets shall be located at least fifty (50) feet from the ordinary high water elevation of any lake or stream, and not within any swale or infiltration basin.

3. Orientation; Screening.

a. Portable Toilets shall be oriented in such a way that the opening or door faces away from any right-of-way or residential dwelling unit unless screened by a sight-obscuring fence or enclosure at least six (6) feet in height equipped with a door or screen wall which completely blocks the view of the Portable Toilet from said right-of-way or residential dwelling unit.

b. Screening of Portable Toilets must be provided whenever a permit is required under this section and for any permanent installation unless a determination is made by the Community Planning Director that the screening requirement can be waived due to site conditions that sufficiently block the Portable Toilet from view from rights-of-way or adjacent residential areas.

c. Screening, when required, must comply with the requirements of the Building and Fire codes adopted by the City. Examples of appropriate screening may be obtained from the Planning Department.

4. Location.

a. All Portable Toilets shall be located in such a manner as to allow for the appropriate servicing and to ensure that any vehicle required for said servicing shall not cause damage to property.

b. Portable Toilets shall be located on the site so as to not obstruct existing structures or driveways. Portable Toilets shall be located in such a manner as to

not be potentially impacted by site conditions such as slopes, ditches, or prevailing winds.

5. All Portable Toilets shall comply with all Wastewater, Building, Fire, and other applicable codes and regulations, including the Americans With Disabilities Act. The Owner and/or the Responsible Party are responsible for ensuring compliance with all applicable codes and regulations.

6. All Portable Toilets utilized in conjunction with the preparation, service or consumption of food shall be equipped with, or shall be accompanied by, an approved handwashing/hand-sanitizing station.

7. Portable Toilets for Seasonal Use in conjunction with a commercial activity are allowed only within zones C-17, DC, M, and LM.

F. MAINTENANCE.

1. All Portable Toilets shall be monitored and serviced by a person, firm or corporation engaged in the business of cleaning or emptying Portable Toilets and recharged at a sufficient frequency to prevent the escape of offensive odors or spillage.

2. Every person, firm or corporation cleaning or emptying Portable Toilets shall use a suitable vehicle which utilizes water-tight, completely closed tanks or boxes designed to prevent leakage and the escape of Offensive Odors. The Owner or Responsible Party shall provide proof of an agreement to monitor and service the Portable Toilet prior to placement.

3. Portable Toilets, including any handwashing/hand-sanitizing stations, shall be kept in good working condition without any broken surfaces or leaks. Doors must be in good working condition and must be able to be securely latched while in use.

4. It is the Owner's and the Responsible Party's responsibility to ensure that Portable Toilets are not used in a dangerous or inappropriate manner. This may be accomplished by monitoring or securing the Portable Toilets during periods of inactivity, such as night time and weekend hours, or by other effective means as appropriate.

G. PUBLIC NUISANCE.

Any Portable Toilet that is placed without the required permit, emits an offensive odor, is leaking, is located in violation of the requirements of this chapter, is located in such a manner as to block any public or private right of way, or that in any way causes a hazard to the public health safety and welfare is declared a public nuisance.

H. ENFORCEMENT.

Any authorized City official may enforce the provisions of this chapter by declaring a public nuisance and requiring the immediate removal of any Portable Toilet, and the Owner and Responsible Party of said Portable Toilet shall be responsible for such removal and any cost thereof. The declaration of public nuisance may be in addition to any penalty provided by the City Code or other remedy provided by law.

I. SEVERABILITY.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provisions to other persons and circumstances shall not be rendered invalid thereby.