



# MEMORANDUM



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Date: March 28, 2017  
To: Planning Commission  
From: Planning Department  
Subject: Neighborhood Compatibility Ordinance Workshop

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## **Workshop Goal:**

**Review the *Draft Neighborhood Compatibility Ordinance* and come to consensus on components of the ordinance with residents of the Fort Grounds Neighborhood.**

## ***Overview of the Draft Ordinance:***

Staff has drafted a Neighborhood Compatibility Ordinance that would be a new chapter in Title 17 (Zoning) of the Municipal Code. The ordinance was drafted such that neighborhoods could be added in the future, rather than having the ordinance only apply to the Fort Grounds Neighborhood. However, the ordinance does specifically address the Fort Grounds Neighborhood and items requested by the Homeowners Association (HOA). Any designated neighborhood would have an overlay zoning district and all of the guidelines and standards of the Neighborhood Compatibility Ordinance would apply as well as any conditions that are unique to that neighborhood.

The reason the ordinance was drafted in this manner is that staff has heard from community members that other neighborhoods may want a similar ordinance in the future. This was the most effective way to draft the ordinance rather than having separate chapters of the Zoning Code designated to individual neighborhoods. This structure also allows for Fort Grounds to be a pilot project for the Neighborhood Compatibility Ordinance.

The draft ordinance addresses the following items as requested by the Fort Grounds HOA:

- Define the Fort Grounds Neighborhood and create an overlay district wherein special rules of development will apply;
- Adopt an additional limitation on the total amount of gross floor area that can be developed based upon a "floor area ratio" (FAR) of 0.4 of gross floor area (not including basements) to each 1.0 foot of lot area, but allowing a minimum of 2300 square feet of floor area;
- Scale is addressed; (***Staff is asking for input from the Planning Commission and neighborhood on whether a virtual tent set-back regimen to govern the "scale" of new structures or a FAR per floor should be utilized***)
- Provide for certain exceptions to the "tent" requirements for eaves, gables, dormers, chimneys, and certain features not designed for occupancy;

- Establish side wall articulation standards to prevent the construction of massive uniform side walls; ***(Staff is asking for input from the Planning Commission and neighborhood whether sidewall articulation should be addressed in the ordinance)***
- Adopt definitions as necessary, including Gross Floor Area, (to exclude below grade livable space) for use in computing FAR and preexisting grade from which to measure maximum building height; ***(Top of the curb is specific to Fort Grounds)***
- Provide for the prohibition of a covered porch, deck or other structure within the front setback zone; ***(Encroachments into the front yard setback is specific to Fort Grounds)***
- Adopt a maximum "lot coverage percentage" requirement in addition to the FAR, in order to preserve a minimum of open space;
- Adopt an maximum 75% "impervious surface" limitation to insure ensure percolation of storm water run-off and minimum amount of landscaped area;
- Provide for exceptions to accommodate exceptionally small building lots;
- Containing a savings clause recognizing the need to replace structures destroyed by fire or other casualty occurring after adoption, applicable to structures in existence as of the adoption date; and
- Loopholes related to building heights such as berming lots to exceed maximum height and rooftop equipment to allow for over-height residences.

**Workshop Discussion Items:**

- 1) **Is a Neighborhood Compatibility Ordinance (NCO) desired to establish standards and acceptable building areas to protect unique neighborhoods in the community?**
- 2) **Is the opt-in structure of the draft ordinance appropriate, or would it be better to have the ordinance only apply to Fort Grounds?**
- 3) **Which of the following should be used to determine the location and size of structures on lots located within areas covered by the NCO?**

***a. Floor Area Ratio (FAR) Method***

**or**

***b. Virtual Tent Method***

- 4) **Should homes be required to have some sidewall articulation?**
- 5) **Should there be a minimum size for a "neighborhood" to request to opt-in?**

**Background:**

The Fort Grounds Homeowners Association requested an amendment to the Zoning Code in the form of an overlay district that would apply certain development standards to future renovation and new construction in a defined area of the Fort Grounds neighborhood. As stated by the HOA, “The purpose of the proposed ordinance described below is to recognize the value in maintaining the general character and feel of older Fort Grounds single family residences, while acknowledging that both renovation and replacement of houses in the neighborhood will continue into the future.”

The historic Fort Grounds Neighborhood in Coeur d'Alene is a mix of mostly single-family home varying in size from 585 SF to 6204 SF. The average size is approximately 3121 SF. Lot sizes vary from 3,158 SF to 22,789 SF. The neighborhood has in roughly the last decade experienced the demolition of a number of older and for the most part small existing homes and their replacement by residential structures which have in many cases maximized the square footage permitted by existing ordinances.

In 2013 the Fort Grounds Homeowners association applied for a special use permit in item SP-6-13 that would limit construction to single family detached residential homes only in the designated Fort Grounds area. The special use permit was approved by City Council on April 1, 2014.



Other cities have faced a similar trend. Some have responded with ordinances to restrict the size and scale of structures based upon the size of the building lot. Over-sized residential structures can and do have measurable and negative impact upon adjoining properties in some neighborhoods by negatively impacting available sunlight, vegetation and natural soil percolation. It is the opinion of the HOA that these over-sized houses are starting to proliferate in the Fort Grounds, threatening to materially and permanently alter the existing character of the Fort Grounds Neighborhood.

***History of the proposed Neighborhood Compatibility Ordinance for Fort Grounds:***

- June 18, 2015:** The Fort Grounds Homeowners Association submitted to staff an Executive Summary for the Proposed Fort Grounds Neighborhood Compatibility Ordinance and proposal drawings.
- August 11, 2015:** Representatives from the Fort Grounds Homeowners Association made a presentation to the Planning Commission on requesting that the City move forward with a Neighborhood Compatibility Ordinance for the Fort Grounds neighborhood. The Commission took public testimony in support and opposition of the requested ordinance. After hearing the presentation and public testimony, the Commission was in support of scheduling a workshop to discuss the request and receive further input from staff.
- January 11, 2016:** The University of Idaho’s College of Law was asked to review the proposal to help ensure if such an ordinance would trigger any property rights issues. The city received a Memo from Steven R. Miller, Director, Economic Development Clinic, University of Idaho College of Law titled, “Recommendations and references related to discussion of proposed Fort Grounds neighborhood character (“mansionization”) ordinance.”
- January 14, 2016:** Joint Workshop with City Council and Planning Commission “Neighborhood Compatibility Ordinance Request”. The City Council asked staff to work with the Homeowners Association to complete a current assessment of the neighborhood compared to the 1992 historical survey.
- June 1, 2016:** The HOA completed the “Fort Grounds Historic Neighborhood Survey”.
- October 11, 2016:** Fort Grounds HOA Presentation at Planning Commission.
- November 15, 2016:** Fort Grounds HOA Presentation at City Council.
- March 28, 2017:** Workshop with Planning Commission and Fort Grounds Neighborhood.

It should be noted that not all residents and property owners within the Fort Grounds neighborhood are in support of this proposal. Several residents/property owners attended the August Planning Commission meeting to voice their concerns to such an ordinance. Additionally, the Planning

Department has received some phone calls and emails since that time expressing concern or opposition.

Stated concerns include: having the ordinance modeled after Austin's "McMansion" Ordinance and the virtual tent guidelines; the comparison of existing homes in Fort Grounds as "McMansions;" concern that an ordinance would be too limiting on future development potential; concern that the ordinance would only apply to Fort Grounds rather than applying to all areas of the city with small lots; and concerns that an ordinance might limit property rights.

***Possible Unintended Consequences:***

The proposed ordinance may trigger potential buyers to purchase two or three adjoining lots and then demolishing/removing the existing smaller homes in order to build a larger home that is consistent with the recent trends in the Fort Grounds area.

**Attachments:**

Draft Neighborhood Compatibility Ordinance (dated 3/24/17)

Executive Summary and Drawings (dated 6/18/15)

**CHAPTER 17.08  
SPECIAL/HAZARD AREA REGULATIONS**

**ARTICLE XI  
NEIGHBORHOOD COMPATIBILITY**

- 17.08.1110: PURPOSE AND OBJECTIVE:**
- 17.08.1120: DEFINITIONS:**
- 17.08.1130: SCOPE OF REGULATIONS:**
- 17.08.1140: APPLICATIONS FOR DESIGNATION OF NEIGHBORHOOD:**
- 17.08.1150: DESIGNATION OF NEIGHBORHOODS:**
- 17.08.1160: GUIDELINES AND STANDARDS:**
- 17.08.1170: DESIGNATED NEIGHBORHOODS:**

**17.08.1110: PURPOSE AND OBJECTIVE:**

- A. Purpose. The purpose of this Article is to promote the public welfare and to establish standards applicable to designated residential Neighborhoods for the purpose of assuring compatibility of new construction and additions to existing homes and lots with the characteristics of a surrounding Neighborhood, while protecting the rights and expectations of all property owners within designated areas.
- B. Objective. Development in Neighborhoods governed by this Article shall be reasonably compatible with the character of existing residences and lots in terms of scale, bulk, orientation, lot coverage, and spacing, and define an acceptable building area. While many elements can contribute to the look and feel of a residential structure, designs should seek reasonable compatibility with existing structures in the Neighborhood.

**17.08.1120: DEFINITIONS:**

- A. Abutting lot – any lot that shares a property line with the applicant’s lot.
- B. Buildable Area – the area in which development subject to this Article may occur and which is defined by side and rear setback planes required by this Article, together with the area defined by the front, side and rear yard setbacks and the maximum building height.
- C. Director – the City’s Community Planning Director.
- D. FAR – floor area ratio as defined by Municipal Code § 17.02.055(F).
- E. Gross Floor Area – the total amount of floor area in a building, excluding below grade livable space (unless it is a daylight basement).
- F. Neighborhood – that area identified by the City Council in an amendment to this Article as constituting a unique, identifiable neighborhood in terms of scale, architectural style,

predominant age of homes, building materials, and/or typical setback, and which is made subject to this Article.

- G. Preexisting Grade – the ground level elevation which existed prior to any site preparation related to, or to be incorporated into, the proposed new development or alteration.

**17.08.1130: SCOPE OF REGULATIONS:**

- A. Scope. This Article shall apply in the following instances in specified Neighborhoods:

1. a new residence that is proposed to be developed on a vacant lot;
2. a new residence that is proposed to replace an existing residence;
3. an existing residence that is proposed to be remodeled or renovated such that fifty percent (50%) or more of any existing interior and exterior walls or the existing square footage is demolished;
4. an addition to an existing single-family residence or the construction of any new detached structure that individually, or when combined with prior additions cumulatively, results in greater than:
  - a. Two-hundred fifty (250) square feet of additional floor area; or
  - b. A twenty-five percent (25%) expansion of the total square footage of all of the original structures on the property, including the main residence, the garage, and all detached structures;
5. the construction of, or an addition to, a second or higher story;
6. the construction of, or an addition to, a deck, balcony, or roof deck if the total area of the deck, balcony, or roof deck is eighty (80) square feet or larger or if the deck, balcony, or roof deck projects more than six (6) feet from the existing building; and
7. all accessory structures requiring a permit.

- B. Exemptions. Notwithstanding paragraph A above, the following are exempt from this Article, provided that no permit shall be issued for a project more than once in a two-year period for the same exemption without complying with this Chapter:

1. an addition to an existing single-family residence that meets the following criteria:
  - a. is sixteen (16) feet or less in height as measured according to the Zoning Code, but not including a second or higher story; and



- b. is not being constructed along the facade facing any street; and
    - c. is two-hundred fifty (250) square feet or less in floor area; and
    - d. complies with all of the City's residential development standards;
  2. an addition or conversion of non-habitable floor area to habitable floor area that does not result in exterior modifications other than the placement of flush mounted doors and windows;
  3. the construction of a minor non-habitable accessory structure, such as, but not limited to, a cabana, a pool changing room, a storage shed, or a playhouse, that meets the following criteria:
    - a. is twelve (12) feet or less in height, as measured from the lowest adjacent grade, but not including a second or higher story; and
    - b. is less than two-hundred (200) square feet in floor area; and
    - c. complies with all of the City's residential development standards and the provisions of this Article;
- C. Damage or Destruction. This Article also shall not apply when a structure is damaged or destroyed to the extent that the cost of reconstruction, repairing, or rebuilding constitutes less than fifty percent (50%) of the replacement cost of the structure as it was immediately prior to the damage, as determined by a qualified appraiser. In such cases, the structure may be restored without regard to the limitations of this Article.

**17.08.1140: APPLICATIONS FOR DESIGNATION OF NEIGHBORHOOD:**

- A. An application to designate an area of the City as a Neighborhood subject to this Article shall be made on a form prescribed by the Director and filed with the Director. The application shall be signed by one or more of the property owners in the proposed Neighborhood.
- B. The application shall include:
  1. a description of the boundaries of the proposed Neighborhood;
  2. a map showing the boundaries of the proposed Neighborhood;
  3. an ownership list of properties in the proposed Neighborhood prepared by a person or entity with appropriate expertise in the preparation of ownership lists or obtained from the county assessor's office;



4. a written statement explaining in detail why the proposed Neighborhood constitutes a unique, identifiable area of the City appropriate for protection under this Article;
5. photographs of the proposed Neighborhood sufficient to demonstrate it is a unique, identifiable area of the City appropriate for protection under this Article;
6. proof that two-thirds (2/3) or more of property owners are in favor of the designation; and
7. the fee referenced in the City's fee schedule.

**17.08.1150: DESIGNATION OF NEIGHBORHOODS:**

- A. Upon receipt of a completed application for designation of a Neighborhood, or upon the request of the Director, the Planning Commission, or City administration, the Director shall set a date for a public hearing before the Planning Commission.
- B. The Planning shall conduct a public hearing between twenty-one (21) and sixty (60) days after a completed application is received by the Director to determine whether an area of the City shall be designated as a Neighborhood subject to the provisions of this Article.
- C. Notice of the public hearing shall be provided as prescribed by Idaho Code § 67-6509. Such Notice shall contain the boundaries of the proposed Neighborhood, the time and place of the hearing, a summary of the request, and any other information pertinent to the hearing.
- D. At the public hearing, the Planning Commission shall consider the proposal and render a decision. The Planning Commission may recommend approval or conditional approval, or may deny, deny without prejudice, or, with the consent of the applicant, defer action until necessary studies and plans have been completed. A copy of the Planning Commission's decision shall be mailed to the applicant, and any other person requesting notice, within seven (7) days of the decision.
- E. In the case of approval or conditional approval, the Planning Commission shall automatically forward its recommendation to the City Council for a public hearing and decision. In the case of a denial or a denial without prejudice, the decision of the Planning Commission shall become final ten (10) days after the date notice is mailed to the applicant unless appealed to the City Council as provided herein.
- F. An appeal of the decision denying the application or denying the application without prejudice may be taken to the City Council by any affected person. The appeal must be in writing and must be filed with the Director within ten (10) days of the mailing of the decision. Upon receipt of an appeal, the Director shall notify the City Clerk, so that a time and place may be set for a public hearing by the City Council.

- G. Notice of the public hearing before the City Council shall be provided as prescribed by Idaho Code § 67-6509, whether upon a recommendation for approval by the Planning Commission or an appeal.
- H. The City Council shall hear the application or appeal *de novo*. The City Council may approve, conditionally approve, refer back to the Planning Commission, deny, or deny without prejudice. The City Council also may defer action upon the consent of the applicant or appellant. A copy of the decision shall be mailed to the applicant and any other person requesting notice. The City Council shall make its decision within fifteen (15) days of the hearing, except in the case of a deferral. If the application is referred back to the Planning Commission, the Planning Commission shall hold a public hearing as prescribed in this Article and shall render a report to the City Council within forty (40) days of such referral. The matter shall then proceed as provided in subparagraph 3 hereof.
- I. If the application is approved, an amendment to this Article shall be adopted by the City Council designating the Neighborhood to be subject to this Article and setting the boundaries of the Neighborhood, along with any reasonable conditions the City Council deems appropriate.
- J. Whenever an application has been denied by the Planning Commission or by the City Council, no application affecting the same proposed Neighborhood, or any portion thereof, shall be filed within one (1) year after the date of denial, unless the decision was a denial without prejudice.

**17.08.1160: GUIDELINES AND STANDARDS:**

- A. This Article does not supersede other generally applicable Codes, including, but not limited to, the current adopted Building codes, Zoning Code, and Subdivision Code. If there is a conflict between those other generally applicable Codes and this Article, the terms of this Article shall control. Specific building and development compatibility design guidelines and standards shall apply to the following features:
  - 1. Front yard setback;
  - 2. Side yard setback;
  - 3. Rear yard setback;
  - 4. Building height;
  - 5. Maximum development permitted;
  - 6. Building scale;
  - 7. Building orientation;

8. Lot access;
9. Parking;
10. Architectural style, including articulations and features not designed for habitation;
11. Lot coverage;
12. Impervious surfaces; and
13. Accessory buildings.

B. Front Yard Setback.

1. **Minimum Setback Required.** The minimum front yard setback required for development subject to this Subchapter is the lesser of:
  - a. The minimum front yard setback prescribed by the other provisions of the Zoning Code; or
  - b. The average front yard setback in the Neighborhood, if an average may be determined as provided in subsection 2.
2. **Average Front Yard Setback.** The following rules apply for purposes of determining the average setback:
  - a. A front yard setback is the distance between the front lot line and the closest front exterior wall or building façade of the principal residential structure located on the lot.
  - b. Except as provided in paragraph 3, average front yard setback is determined using the front yard setback of the four principal residential structures that are: (a) built within fifty feet of the front lot line; and (b) closest to, and on the same side of the block, as the property subject to the setback required by this section.
  - c. If less than four structures satisfy the criteria in paragraph B.2, average front yard setback is calculated using the number of existing residential structures on the same side of the street block as the property subject to the setback required by this section. If there are no structures on the same side of the block, average front yard setback is calculated using the front yard setbacks of the four structures on the opposite side of the block that are closest to the property subject to the setback required by this section. If there are less than four structures on the opposite side of the block, the lesser number of structures is used in the calculation.

- C. Side Yard Setback. The minimum distance a principal building is set back from the side lot lines shall be the average setback distance between the principal building on the abutting lots and their respective side lot lines.
1. If an abutting lot is vacant, the setback distance shall be assumed to be the minimum side yard setback standard defined for the underlying zoning district in which the lot is situated.
  2. No principal building shall extend closer than ten (10) feet from another principal building or side street.
- D. Rear Yard Setback. The minimum distance a principal building is set back from the rear lot line shall be the average setback distance between the principal building on the abutting lots and their respective rear lot lines.
1. If an abutting lot is vacant, the setback distance shall be assumed to be the minimum rear setback standard defined for the underlying zoning district in which the lot is situated.
  2. For good cause shown, the Director may adjust the average setback by not more than ten percent (10%), unless all buildings on the abutting lots have the same setback distance. Consideration shall be given to the characteristics of the Neighborhood in determining an adjustment.
- E. Building Height. The maximum height, as measured from the Preexisting Grade to the highest point of the roof, shall not exceed thirty-two (32) feet for the principal structure and eighteen (18) feet for any structures in the rear yard.
1. Building height shall be determined in accordance with the provisions of subsection 17.02.065C of this Title except that in cases where site work, such as a retaining wall or an earth berm is utilized to create finished grades higher in elevation than preexisting grade, then preexisting grade shall be used in the determination of building or structure height.
  2. Projections above a building, including any mechanical equipment which may be required to operate and maintain the building, shall not be allowed (except chimneys).
- F. Maximum Development Permitted. The maximum amount of development permitted on a property subject to this subchapter is limited to the greater of 0.4 FAR or 2,300 square feet of gross floor area.
- G. Building Scale. There is established a three-dimensional setback envelope to govern the buildable area of new structures with a maximum height of thirty-two (32) feet above the Natural Grade, as illustrated herein. **[STAFF WOULD LIKE INPUT FROM THE**

***PLANNING COMMISSION AND NEIGHBORHOOD WHETHER TO USE VIRTUAL TENT OR FAR PER FLOOR.]***

1. Eaves, gables, dormers, chimneys, and other roofline features not designed for occupancy may extend outside the setback envelope.
- H. Building Orientation. The orientation or location of the main or everyday entrance and windows shall be similar to those building orientations for existing principal buildings on abutting lots, subject to the following:
1. On interior lots, principal buildings shall have their primary front facades, provided with a main or everyday front entrance and windows, oriented toward and facing the public street (excluding alleys).
  2. On corner lots, principal buildings on lots abutting more than one (1) public street shall have their primary front facades, provided with a main or everyday front entrance and windows, oriented towards and facing, in order of preference:
    - a. the corner; or
    - b. the street (excluding alleys) upon which the majority of the principal buildings on the adjacent lots are oriented towards.
- I. Lot Access and Parking. Lot access and parking shall, to the extent possible, be substantially similar to the lot access and parking for the abutting lots. If the abutting lots do not have substantially similar lot access and parking, the following standards shall apply:
1. For a lot abutting an alley, lot access shall be provided at the rear of the lot from the alley. No new curb cut for a driveway or access shall be provided along a public street for a lot abutting an alley.
    - a. Required off-street parking shall be provided in the rear of the building; and
    - b. Shall not be located between the principal building and the public street (excluding alleys).
  2. For a lot not abutting an alley, new lot access may be taken from the front of the lot via a curb cut for an access drive and driveway.
  3. Two (2) off-street parking spaces are required per single-family residence.
- J. Architectural Style. Architectural style of new principal buildings shall, to the extent possible, be substantially similar to the architectural style of the principal buildings on the abutting lots. ***[STAFF WOULD LIKE INPUT FROM THE PLANNING***

***COMMISSION AND NEIGHBORHOOD ON WHETHER TO INCLUDE THIS OR NOT]***

1. Side wall articulation is required for new construction or additions fifteen (15) feet or taller and located within nine (9) feet of the side lot line.
  2. No side wall may extend for more than thirty-six (36) feet without a projection or recession of at least four (4) feet in depth and ten (10) feet in length.
  3. An addition to an existing building may extend a side wall up to a maximum of thirty-six (36) feet in total length without articulation.
- K. Lot coverage. Lot coverage in a Neighborhood shall be the average lot coverage of the abutting lots, but not exceeding fifty percent (50%). For good cause shown, the Director may adjust the lot coverage for a lot in a Neighborhood by not more than fifteen percent (15%), based on the lot coverage for lots in the Neighborhood as a whole.
- L. Impervious surfaces. The impervious surface area of a lot shall not exceed the average impervious surface area of the abutting lots, but not exceeding seventy-five percent (75%). For good cause shown, the Director may adjust the impervious surface area for a lot by not more than fifteen percent (15%), based on the impervious surface areas in the Neighborhood as a whole and the drainage pattern of the lot.
- M. Accessory buildings. Accessory buildings shall be allowed to the extent they exist in the Neighborhood, both in number and size. Accessory buildings shall meet the setback requirements of the zone in which the lot is located and shall not exceed the height of the principal building. Accessory buildings shall be designed to be complementary with the design of the principal building and must comply with applicable Building Codes. No shipping containers or the like shall be used on the lot for any reason.

**17.08.1170: DESIGNATED NEIGHBORHOODS:**

**A. Fort Grounds Neighborhood:**

1. There is designated as a Neighborhood, constituting a unique, identifiable neighborhood in terms of scale, architectural style, building materials, and/or typical setback, and which shall be subject to this Article, a neighborhood known as the Fort Grounds Neighborhood (FGN).
2. The area of the FGN shall be bounded on the east by Park Drive, the west by Hubbard Avenue, the south by West Lakeshore Drive, and the north by the centerline of the east-west alley between Empire and River.
3. The FGN will be identified by including “FGN” after the underlying zoning district, indicating a Neighborhood Compatibility overlay zoning district, and which will appear as “R-8FGN.”

4. Unique conditions that apply to this neighborhood:
  - a. The existing special use permit designating the area encompassing the FGN as only single-family residential will be replaced with this new overlay zoning district which restricts residential development in the Fort Grounds Neighborhood to single-family dwellings.
  - b. The curb height will indicate the preexisting grade from which to measure the maximum building height.
  - c. Covered porches, decks, or other similar structures. Under no circumstances shall open porches, covered porches, decks, terraces, floors, or other similar structures be allowed in the front yard setback.

DRAFT



## PROPOSED FT. GROUNDS NEIGHBORHOOD COMPATIBILITY ORDINANCE

### Executive Summary

#### Background and Rationale

The historic Fort Grounds Neighborhood in Coeur d'Alene is a mix of mostly single-family homes varying in size from 585 SF to 6204 SF. The average size is approximately 3121 SF.<sup>1</sup> Lot sizes vary from 3158 SF/.07 acre to 22789 SF/.52 acre. The neighborhood has in roughly the last decade experienced the demolition of a number of older and for the most part small existing homes and their replacement by residential structures which have in many cases maximized the square footage permitted by existing ordinances. Other cities have faced a similar trend. Some have responded with ordinances to restrict the size and scale of structures based upon the size of the building lot. Over-sized residential structures can and do have measurable and negative impact upon adjoining properties and the neighborhood in general. They negatively impact available views, sunlight, vegetation and natural soil percolation. These over-sized houses are starting to proliferate in the Ft. Grounds, threatening to materially and permanently alter the existing character of the Fort Grounds Neighborhood. The purpose of the proposed ordinance described below is to recognize the value in maintaining the general character and feel of older Fort Grounds residences, while acknowledging that both renovation and replacement of houses in the neighborhood will continue into the future. The ordinance described below is modeled after an ordinance adopted around 2006 by the City of Austin, Texas.

#### Proposed Ordinance Summary

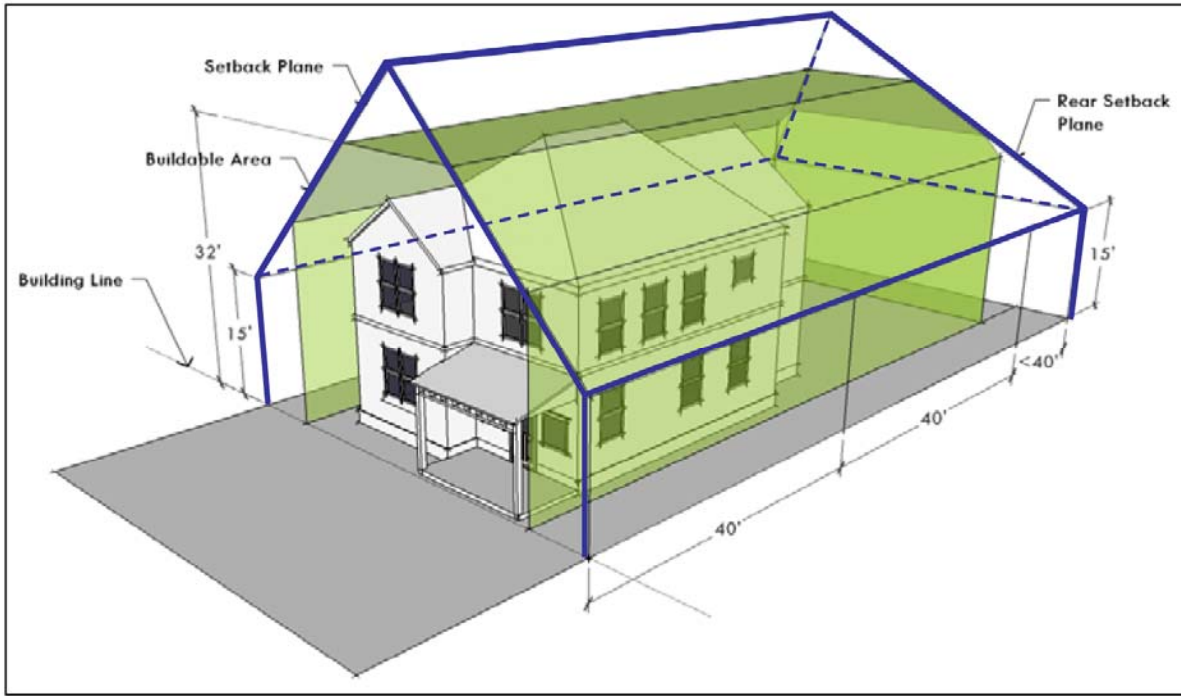
The proposed ordinance will:

- Define the Fort Grounds Neighborhood as an area bounded on the east by Park Drive, the west by Hubbard Avenue, the south by West Lakeshore Drive<sup>2</sup> and the north by the centerline of the east/west alley between Empire and River Avenues, and create an overlay district wherein special rules of development will apply;
- Adopt an additional limitation on the total amount of gross floor area that can be developed based upon a "floor area ratio" (FAR) of 0.4 of gross floor area to each 1.0 foot of lot area, but allowing a minimum of 2300 square feet of floor area;
- Establish a 3-dimensional set-back regimen to govern the "scale" of new structures, using a "virtual tent" mechanism at a maximum height of 32 feet; [See attached illustration.]
- Provide for certain exceptions to the "tent" requirements for eaves, gables, dormers, chimneys, and certain features not designed for occupancy;
- Establish side wall articulation standards to prevent the construction of massive uniform side walls;
- Adopt definitions as necessary, including Gross Floor Area, (to exclude below grade livable space) for use in computing FAR and Natural Grade from which to measure maximum building height, (i.e. top of the curb).
- Provide for the prohibition of a covered porch, deck or other structure within the front setback zone;
- Adopt a maximum "lot coverage percentage" requirement in addition to the FAR, in order to preserve a minimum of open space;
- Adopt an maximum 75% "impervious surface" limitation to insure ensure percolation of storm water run-off and minimum amount of landscaped area;
- Provide for exceptions to accommodate exceptionally small building lots; and,
- Containing a savings clause recognizing the need to replace structures destroyed by fire or other casualty occurring after adoption, applicable to structures in existence as of the adoption date, (i.e., a "grandfather clause").

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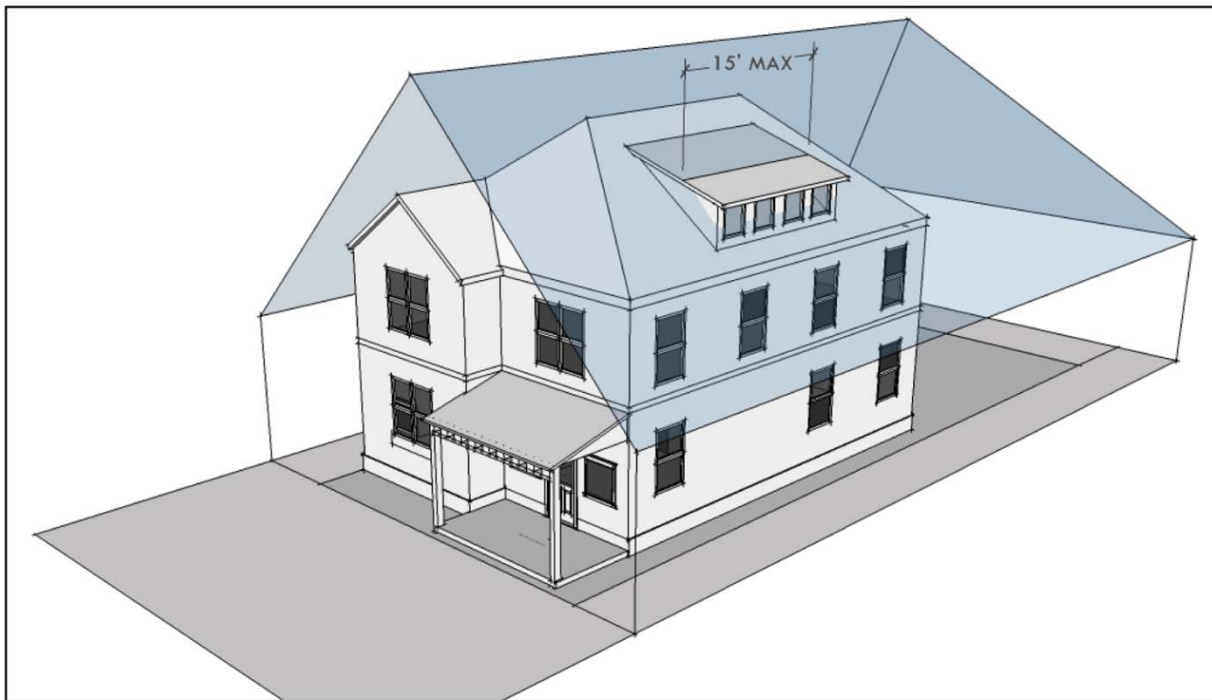
<sup>1</sup> This calculation excludes basement area. Not all residences have basements and basement floor area is excluded in the proposed FAR ratio calculations.

<sup>2</sup> To the extent any of the lots north of West Lakeshore Drive which also include ownership of property south of W. Lakeshore Drive to the mean high water mark of Lake Coeur d'Alene, that beach property is already subject to plat and ordinance restrictions which prohibit most structures. It is intended that this beach area not be considered in computing gross lot area for the purpose of complying with FAR, lot coverage or impervious surface requirements.



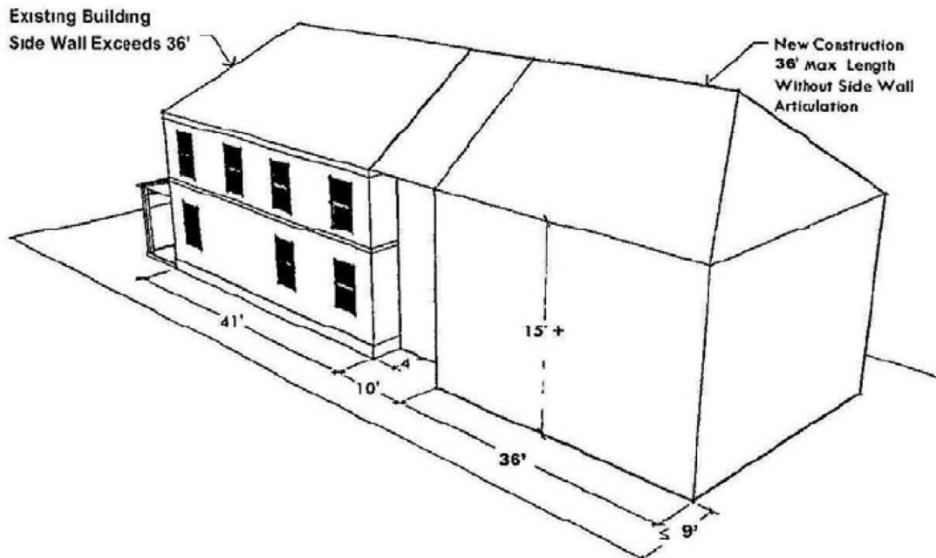
• **Figure 10: Buildable Area (Combination of Yard Setbacks, Maximum Height Limit, and Setback Planes)**

*The heavy blue line indicates the "tent" formed by the side and rear setback planes. The buildable area is the smallest area included within the front, side, and rear yard setbacks; maximum height limit; and the combined side and rear setback planes (shown here as the green area).*



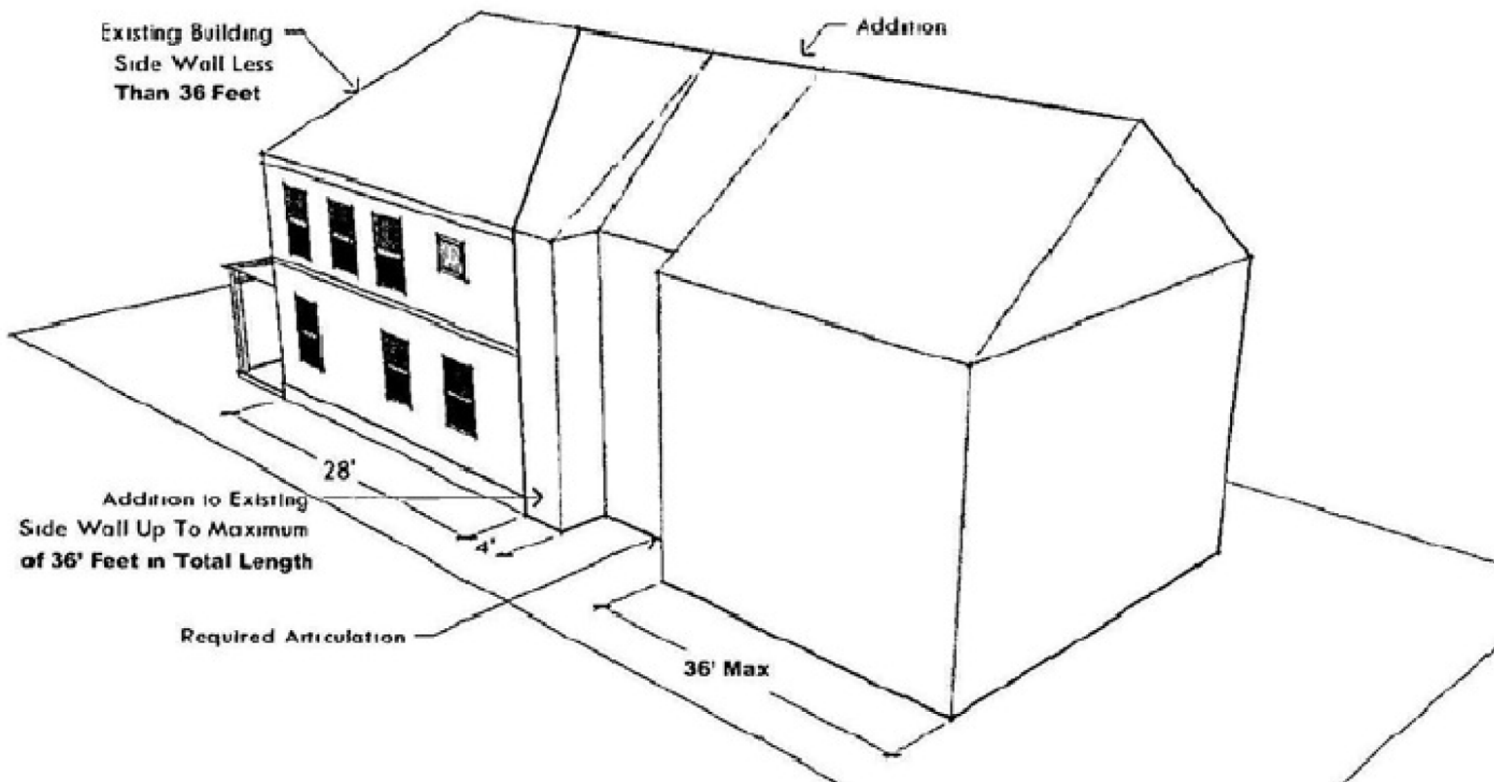
**Figure 16: Dormer Exception (Gable or Shed)**

*One or more dormers with a combined width of 15 feet or less on each side of the roof may extend beyond the setback plane. The width of the dormer is measured at the point that it intersects the setback plane.*



- **Figure 18: Side Wall Articulation (Existing Side Wall Exceeds 36 Feet)**

*Articulation is required for side walls on additions or new construction that are 15 feet or taller and located within 9 feet of the side lot line. No wall may extend for more than 36 feet without a projection or recession of at least 4 feet in depth and 10 feet in length.*



- **Figure 19: Side Wall Articulation (Existing Side Wall Less Than or Equal to 36 feet)**

*An addition to an existing building may extend a side wall up to a maximum of 36' in total length without articulation.*