

**15-5-3: LAND USE TABLE:**

Use	RESIDENTIAL							COMMERCIAL		INDUSTRIAL	
	R-1	R-2	R-2S	R-2D	R-3	R-3M	MR	C-1	C-2	I	HI
Use	RESIDENTIAL							COMMERCIAL		INDUSTRIAL	
	R-1	R-2	R-2S	R-2D	R-3	R-3M	MR	C-1	C-2	I	HI
<i>Residential Uses:</i>											
Single-Family Homes	P	P	P	P	P	P	P	A	A	x	x
Duplexes	x	P	x	P	P	P	x	x	x	x	x
Multi-Family Dwelling 3 unit	x	x	x	x	P	P	x	x	x	x	x
Multi-Family Dwelling 4-5+ unit	x	x	x	x	x	P	x	x	x	x	x
Manufactured Homes	P	P	P	P	P	P	P	x	x	x	x
Accessory Dwelling Units	C	x	C	x	x	x	C	x	x	x	x
Home Occupations	C	C	C	C	C	C	C	x	x	x	x
Mobile/Manufactured Home Parks w/ PUD	x	x	x	x	P	P	x	x	x	x	x
<i>Accommodations and Group Living:</i>											
Nursing Homes	x	x	x	x	C	C	x	C	C	C	x
Residential Care Facilities	x	x	x	x	C	C	x	C	C	C	x
Hotels, motels or motor inns	x	x	x	x	x	x	x	P	P	C	x
Guesthouses	C	C	C	C	x	x	C	x	x	x	x
Bed and Breakfast Inns	C	C	C	C	C	C	C	x	x	x	x
<i>General Sales or Services:</i>											
Churches/Places of Worship	C	C	C	C	C	C	C	C	C	x	x
Public Libraries	P	P	P	P	P	P	P	C	C	x	x
Publicly Owned and Operated Parks	P	P	P	P	P	P	P	P	P	x	x
Nursery/Daycare for Children	C	C	C	C	C	P	C	P	x	x	x
Schools	C	C	C	C	P	P	C	x	x	x	x
Cemetery	x	x	x	x	C	C	x	x	x	x	x
Retail Stores	x	x	x	x	x	x	x	P	P	P	x
Postal Services and Packaging	x	x	x	x	x	x	x	P	x	P	x
Photo Processing	x	x	x	x	x	x	x	P	P	x	x
Outdoor vendor Spaces/Farmers Markets or Stands	x	x	x	x	x	x	x	P	C	C	x
Neighborhood Commercial Services	x	C	x	C	C	C	C	x	x	x	x
Destination Shopping Center	x	x	x	x	x	x	x	P	C	C	x
Automobile/Light Truck/RV Dealership	x	x	x	x	x	x	x	P	C	C	x
Motorcycle/ATV Dealer	x	x	x	x	x	x	x	P	C	P	x
Boat/Marine Craft Dealer	x	x	x	x	x	x	x	P	C	P	x
Furniture/Home Furnishing	x	x	x	x	x	x	x	P	x	P	x
Hardware/Home Improvement Center	x	x	x	x	x	x	x	P	x	P	x
Lawn and Garden Supply/Feed Store	x	x	x	x	x	x	x	P	x	P	x
Department Store/Warehouse Club/Superstore	x	x	x	x	x	x	x	P	x	P	x

Lumberyard/Building Materials Store	x	x	x	x	x	x	x	P	P	P	x
Discount Store	x	x	x	x	x	x	x	P	C	P	x
Grocery Store/Supermarket	x	x	x	x	x	x	x	P	P	P	x
Convenience Store	x	x	x	x	x	x	x	P	P	P	x
Convenience Store with fuel	x	x	x	x	x	x	x	P	P	P	x
Specialty Food/Health Store	x	x	x	x	x	x	x	P	P	P	x
Automotive Repair Services	x	x	x	x	x	x	x	P	P	P	x
Automatic Car Wash	x	x	x	x	x	x	x	P	P	P	x
Self-service Car Wash	x	x	x	x	x	x	x	P	P	P	x
Automobile or Marine Service Center	x	x	x	x	x	x	x	x	P	P	x
Heavy Equipment Repair	x	x	x	x	x	x	x	x	x	x	P
Quick Lube	x	x	x	x	x	x	x	P	x	P	x
Bank/Savings Institution	x	x	x	x	x	x	x	P	P	P	x
Beauty/Barber Shops	x	x	x	x	x	x	x	P	P	P	x
Car Rental Agency	x	x	x	x	x	x	x	P	P	P	x
Tractor/Heavy Truck/Trailer Dealership	x	x	x	x	x	x	x	x	P	P	P
Recreational or Consumer Goods Rental	x	x	x	x	x	x	x	x	P	P	x
Commercial/Industrial Machinery and Equipment Leasing	x	x	x	x	x	x	x	x	x	x	P
Building/Developing/General Contracting Services	x	x	x	x	x	x	x	x	x	P	x
<i>Professional, Scientific and Technical Services:</i>											
General Office Buildings	x	x	x	x	x	x	x	P	P	P	A
Research and Development	x	x	x	x	x	x	x	P	x	x	P
Veterinary Office	x	x	x	x	x	x	x	P	x	P	x
Full Service Restaurant	x	x	x	x	x	x	x	P	P	P	x
Drive-in Restaurant	x	x	x	x	x	x	x	P	P	P	x
Fast Food Restaurant	x	x	x	x	x	x	x	P	P	P	x
Bar/Tavern/Lounge	x	x	x	x	x	x	x	P	P	P	x
Kennel/Boarding Service/Dog Daycare	x	x	x	x	x	x	x	P	x	P	x
<i>Industrial and Manufacturing Uses:</i>											
Asphalt Plant/Storage	x	x	x	x	x	x	x	x	x	x	P
Blast Furnace and Smelting	x	x	x	x	x	x	x	x	x	x	P
Manufacturing or Storage of Explosives	x	x	x	x	x	x	x	x	x	x	P
Food and Beverage Manufacturing	x	x	x	x	x	x	x	x	x	x	P
Meat Products Manufacturing	x	x	x	x	x	x	x	x	x	x	P
Dairy Products Manufacturing	x	x	x	x	x	x	x	x	x	x	P
Grain Milling Products and Manufacturing	x	x	x	x	x	x	x	x	x	x	P
Bakery Products Manufacturing	x	x	x	x	x	x	x	x	x	x	P
Clothing/Textiles Manufacturing	x	x	x	x	x	x	x	x	x	x	P

Wood Products Manufacturing except Lumbermills	x	x	x	x	x	x	x	x	x	x	P
Sawmill	x	x	x	x	x	x	x	x	x	x	P
Millwood/Veneer/Plywood Manufacturing	x	x	x	x	x	x	x	x	x	x	P
Furniture and Related Products Manufacturing	x	x	x	x	x	x	x	x	x	x	P
Paving and Roofing Materials Manufacturing	x	x	x	x	x	x	x	x	x	x	P
Cement Mixing/Manufacturing	x	x	x	x	x	x	x	x	x	x	P
Street Fabrication	x	x	x	x	x	x	x	x	x	x	P
Machinery Fabrication	x	x	x	x	x	x	x	x	x	x	P
Automobile/Truck Manufacturing	x	x	x	x	x	x	x	x	x	x	P
Aircraft Manufacturing	x	x	x	x	x	x	x	x	x	x	P
Salvage yard/Recycle Center	x	x	x	x	x	x	x	x	x	x	P
<i>Warehousing and Storage Uses:</i>											
Mini-Storage Warehouse/Self Storage	x	x	x	x	x	x	x	x	x	C	P
Construction Equipment Storage Facility	x	x	x	x	x	x	x	x	x	x	P
Automobile Impound Yard	x	x	x	x	x	x	x	x	x	x	P
Warehouse/Distribution Center	x	x	x	x	x	x	x	x	x	P	P
Campgrounds w/ PUD	x	x	x	x	x	x	x	x	x	P	x
RV Park w/ PUD	x	x	x	x	x	x	x	x	x	P	x
Food Courts*	x	x	x	x	x	x	x	C	C	C	x

- P = Use Permitted Outright
- A = Accessory Use Permitted
- C = Conditional Use Permitted
- x = Use Not Permitted

(Ord. 611, 9-28-2022)

**15-5-4: OFFICIAL BULKS AND PLACEMENTS REGULATIONS TABLE:**

	R-1	R-2	R-2S	R-2D	R-3	R-3M	MR*****
	R-1	R-2	R-2S	R-2D	R-3	R-3M	MR*****
<b>Minimum Lot Size (sq ft)</b>	10,000	7,500	7,500	7,500	6,000	6,000	6,000
<b>Maximum Number of Dwelling Units</b>	1	duplex	1	duplex	1 to 3	***	1
<b>Maximum Width to Depth Ratio</b>	1:2.5	1:2.5	1:2.5	1:2.5	1:2.5	1:2.5	01:02.5
<b>Front Yard Setback (ft)</b>	25	20	20	20	20	20	20
<b>Side Yard Adjacent to a Flanking Street (ft)</b>	25	20	20	20	20	20	20
<b>Side Yard (ft)</b>	10	7	8	8	6	6	8
<b>Rear Yard (ft)</b>	20	15	20	20	10	10	15
<b>Maximum Coverage (%)</b>	40	45	45	45	45****	50****	45
<b>Maximum Building Height (ft)</b>	35	35	35	35	35	45	35
<b>Minimum Dwelling Size (sq</b>	920	920	920	920	600	600	600

ft)							
<b>Minimum Driveway Requirement** (ft)</b>	25	25	25	25	25	25	25

\*setbacks must be measured from a legally established property line.

\*\*excluding sidewalks.

\*\*\*the minimum lot size in the R-3 zone is 6,000 sq ft for a single dwelling: an additional 1,500 sq ft of lot area is required per each additional dwelling unit.

\*\*\*\*the density of multi-family (5 or more dwelling units) in the R-3 zones, and all development within commercial and industrial zones (C-1, C-2, I, HI) shall be subject to the requirements of (1) General Standards, (2) Residential Standards, (3) Commercial, Industrial, Multi-Family and Institutional Standards, and (4) Supplemental Multi-Family and Institutional Standards, as found in this Title, and any other provisions of this Code.

\*\*\*\*\*Developments within MR residential zone shall contain lot sizes as follows:

at least 1/3 of the total number of lots shall be between 6,000 - 7,500 sq ft.

at least 1/3 of the total number of lots shall be between 7,500 - 10,000 sq ft.

Up to 1/3 of the total number of lots may be greater than 10,000 sq ft.

(Ord. 611, 9-28-2022)

**15-5-7-2: PUBLIC NOTICE PROCEDURES:**

If an application does not qualify for Administrator approval pursuant to RCC 15-5-7-3(B), then not more than sixty (60) days following the filing of an application and prior to granting a conditional use permit, at least one public hearing at which interested persons shall have an opportunity to be heard shall be held by the planning and zoning commission. The public hearing shall be noticed in accordance with the City’s Land Use Public Hearing Procedures Resolution. (Ord. 611, 9-28-2022; amd. Ord. 614, 1-11-2023)

**15-5-7-3: CRITERIA FOR GRANTING CONDITIONAL USE PERMITS:**

A. The particular facts and circumstances of each proposed conditional use permit shall be reviewed in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will constitute a conditional use as established in this title for the zoning district involved;
2. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the comprehensive plan and/or this title;
3. Will be served adequately by essential public facilities and services;
4. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
5. Will not create excessive additional requirements as to public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic and surrounding public thoroughfares;
8. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

B. Conditional Use Permits for Home Occupations may be issued by the Administrator, providing that the application meets all of the requirements of paragraphs 1 through 8 of RCC 15-5-7-3-A (above), and also meets the following requirements:

1. The proposed activity takes place entirely within existing an structure;
2. The proposed activity does not provide on-site retail sales, or services;
3. The proposed activity does not require customers on site;
4. The proposed activity does not require deliveries of goods and/or materials other than that which might be provide through regular mail or like kind delivery service;
5. The proposed activity does not require additional parking, as set forth in any provision of this or any other provision of this code. (Ord. 614, 1-11-2023)

**15-5-7-4: ACTION BY COMMISSION AND COUNCIL:**

If a conditional use permit application does not qualify for Administrator approval pursuant to RCC 15-5-7-3(B) and must go through a public hearing procedure, the Commission and Council actions shall be as follows:

**A. Commission:**

1. Findings And Recommendation: Within sixty (60) days following the public hearing, the commission shall present to city council its findings and recommendation to either approve, conditionally approve or deny the request for a conditional use permit.
2. Conditions Of Approval: Upon the granting of a conditional use permit, conditions may be attached to the permit including, but not limited to, the following conditions:
  - a. Minimizing adverse impact on other development;
  - b. Controlling the sequence and timing of development;
  - c. Controlling duration of development;
  - d. Assuring that development is properly maintained;
  - e. Designating the exact location and nature of development;
  - f. Requiring the provision for on-site or off-site public facilities or services;
  - g. Requiring more restrictive standards than those generally required.
3. Studies Required: Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed use. A conditional use permit shall not be considered as establishing a binding precedent to grant other permits. A conditional use permit is not transferable from one parcel of land to another.

**B. City Council:**

1. Findings And Conclusions: Upon revising or rejecting the recommendation by the Commission, City Council shall establish its own findings and conclusions and shall specify:
  - a. The ordinance and standards used in evaluating the application;
  - b. The reasons for approval or denial;
  - c. The actions, if any, that the applicant could take to obtain a conditional use permit.
2. Written Notice: Within ten (10) days after a decision has been rendered by City Council, the City Clerk shall provide the applicant with written notice of the action on the request. (Ord. 611, 9-28-2022; amd. Ord. 614, 1-11-2023)

**15-5-7-5: TIME LIMIT:**

Upon granting of a conditional use permit, the proposed use must be substantially initiated within one year. Failure to comply with this regulation will result in the conditional use permit becoming null and void. (Ord. 611, 9-28-2022)

**15-5-8-3: MOBILE FOOD COURT REVIEW CRITERIA:**

- A. A mobile food court shall only be located in such Zoning Districts where such use is permitted, as disclosed by the Land Use Table.
- B. Development of a mobile food court shall require a conditional use permit, as set forth in this title, and shall also be subject to site plan review as set forth in this title, and any other applicable section of this code.(Ord. 611, 9-28-2022)

**15-5-8-4: DEVELOPMENT STANDARDS, MOBILE FOOD COURTS:**

- A. A mobile food court may be located only in the General Commercial (C-1), Highway Commercial (C-2), and Industrial (I) Zoning Districts, pursuant to the issuance of a Conditional Use Permit.
- B. The maximum number of individual concessions allowed in a mobile food court will depend on the size of the parcel and applicable ordinances and codes, and will be determined at the time of the site plan approval; No Mobile Food Court shall be approved which can accommodate less than three (3) Mobile Concessions.
- C. Mobile retail concessions may also be located in a mobile food court, subject to the maximum allowed concessions permitted in the Mobile Food Court by the Conditional Use Permit.
- D. All setback requirements in the underlying zoning district shall be maintained. No concession, structures associated with the mobile food court, nor any associated seating areas shall be located in a required zoning setback, required buffer, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane(s).
- E. There shall be a minimum of three (3) parking spaces for each concession located in the mobile food court. This parking shall be in addition to the parking required for any other use of the parcel.
- F. The applicant must provide for access to restrooms for staff and patrons of any concession on the parcel, as required by the Rathdrum City Code. The restrooms must be available any time any concession is in operation. Portable toilets shall not be permitted.
- G. All activities will be conducted on private property owned or otherwise controlled by the applicant, and no sales or commercial activities are allowed within any public right of way.
- H. The mobile food court shall comply with all conditions pertaining to existing variances, conditional use permits, or other approvals granted for the parcel.

I. All activities associated with the mobile food court must comply with the requirements of the city's wastewater utility, water department, engineering department, fire department, planning department, street department, and Panhandle health district, except as otherwise provided in this article.

J. All mobile food courts shall be subject to an annual fire inspection. (Ord. 611, 9-28-2022)

#### **15-5-8-5: SITE PLAN:**

The detailed site plan required by this article shall demonstrate:

A. The location and orientation of each vendor space.

B. The location of any paving, parking spaces, trash enclosures, drive lanes, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers, seating, restrooms, or any other site requirement of Rathdrum City Code, applicable building codes, wastewater regulations, and Panhandle health district.

C. The location and identification of all existing and proposed activities on site.

D. The proposed circulation lanes of all pedestrian and vehicle traffic on the site.

E. The location of any accessory buildings, commissaries, or warehouses provided for the use of the mobile food concessions and mobile retail concessions.

F. The location, type, and species of required landscaping, plantings, and irrigation as may be required by this title, as applicable. (Ord. 611, 9-28-2022)

#### **15-5-18-6: DUTY TO COMPLY WITH DEVELOPMENT/ANNEXATION AGREEMENT:**

An owner, subsequent owner and each other person acquiring an interest in property that is governed by a development/annexation agreement adopted pursuant to this Chapter shall comply with the terms, conditions, obligations and duties contained in the agreement. (Ord. 611, 9-28-2022)

#### **15-6-3: COMMERCIAL, INDUSTRIAL, MULTI-FAMILY AND INSTITUTIONAL STANDARDS:**

The following standards where applicable for the proposed use of the property in addition to other provisions of this title, shall be addressed in the commercial site plan review process:

A. Landscaping

1. Internal Landscaping: The purpose of internal landscaping is to visually soften the mass of buildings and to visually separate building areas from parking areas.

a. A minimum of five percent (5%) of the site's net area shall have internal landscaping, with a minimum of one tree for every five hundred (500) square feet of require landscaping area. Trees must be one and one-half  $\frac{1}{2}$  inches ( $1\frac{1}{2}$ " ) in caliper and selected from the approved list contained in the "Rathdrum Tree and Planting Guide". Up to one-half ( $\frac{1}{2}$ ) of the require trees may be substituted by shrubs adjacent to retail storefronts where the view of wall signs may be obstructed. Ten (10) shrubs with a minimum container size of five (5) gallons shall be provided for each tree that is replaced.

b. Internal landscaping shall be located as follows:

(1) Adjacent to those building elevations which form the major public views of the project; or

(2) Within a plaza or courtyard between buildings or portions of buildings; or

(3) In a space provided to separate building areas from parking areas; or

(4) In a similar location as approved by the zoning administrator or other public works department designee.

c. The minimum internal landscaping area and its minimum number of trees may not consist of spaces or trees which are proposed to meet parking lot landscaping standards of this chapter. The minimum required internal landscaping area shall consist of a minimum of fifty percent (50%) ground covering by living grass or other plant materials. This percentage provides flexibility where plants and their irrigation should be limited next to building foundations.

d. All plant spacings should allow for the growth characteristics of the trees without adversely affecting the maintenance of structures, walks or drives.

e. Each multiple building area within a development plan may not be require to meet the five percent (5%) internal landscaping requirement provided the entire development plan complies with the internal landscaping requirements. Internal landscaping should be generally distributed among the building areas with an emphasis near those building elevations which form the major public view of the project.

f. Administrative relief of the internal landscaping requirements may be granted by the Administrator based on standards detailed in paragraph 5 of this sub-section; however, additional landscaping adjacent to main entrances and/or office areas may be required.

2. Buffering Requirements

a. Street Frontage: Buffer strips shall be planted in a combination of trees, shrubs, and ground cover which may incorporate small irregular earthen berms and mounds along street frontages. The width of require buffer strips shall be determined by the character of the street fronting the property as follows:

- (1) Highways 20 foot wide
- (2) Arterials 15 foot wide
- (3) Collectors 10 foot wide

b. **Adjacent Residential:** Buildings, uses or activities related to nonresidential and multifamily residential uses shall not be located nor conducted closer than forty feet (40') to any lot line of a residential district except that the minimum yard requirements may be reduced fifty percent (50%) if acceptable landscaping or screening, approved by the administrator, is provided. Such screening shall be a masonry or solid fence between six feet (6') and eight feet (8') in height, or planted in combination of trees shrubs, ground cover which may incorporate small irregular earthen berms and mounds maintained in good condition and free of all advertising or other signs.

(1) For the purposes of addressing physical constraints of a site and/or maximizing the distance a point of ingress/egress is located from an intersection, access and other related activities servicing nonresidential uses may be located within the require side or rear yards, as set forth above, if the following criteria are met as reviewed and approved by the Administrator;

(2) Traffic safety and circulation patterns on adjacent streets and intersections servicing the property is enhanced based on adopted road standards; and

(3) Sufficient and suitable screening addressing noise and visibility is provided to buffer adjacent residential areas from traffic noise and activity; and

(4) The distance and area utilized for the purpose of access or other related activities as located within the yard area as otherwise require is minimized.

c. **Adjacent Commercial/Industrial:** Where commercial and/or industrial uses or zones abut, buffering may be limited to a planting strip four (4) to six (6) feet in width. Said planting strip shall provide a border between the properties and enhance the aesthetics of the site, while allowing for potential vehicular or pedestrian interconnectivity.

d. **Parking Lot Screening:** Open parking areas in multi-family, commercial and public developments shall be screened from adjacent properties and streets to meet the following parameters.

(1) Parking lots servicing industrial sites adjacent to industrial development or industrially zoned properties need not be screened.

(2) All others shall be screened to an eventual minimum height of three feet (3') by the use of berms and/or plantings or planted in combination of trees shrubs, ground cover which may incorporate small irregular earthen berms and mounds.

(3) A minimum of two-thirds (2/3) of the affected street frontage or property boundary, not counting intersecting driveways, must have the required screening.

(4) Structures such as decorative walls or fences may be approved through an administrative relief request if the Administrator or their designee finds that:

(A) The structures avoid a bland and monotonous appearance by such means as architectural articulation and/or the planting of vines, shrubs or trees; or

(B) The total use of berms and/or plantings is not physically feasible; or

(C) The structures attractively complement the use of berms and/or plantings.

3. **Parking Lot Landscaping:** Visual relief and shade shall be provided in parking lots through application of the following standards:

a. **Number of Trees:** One tree, a minimum of six feet (6') in height, shall be provided for every ten (10) open vehicular parking stalls in parking lots with fifteen (15) or more stalls.

b. **Location of Trees:** The require trees may be clustered but shall be located to divide and break up expanses of paving and long rows of parking stalls and to create a canopy effect in the parking lot. In order to be considered within the parking lot, the trees must be located in planting areas bounded on at least three (3) sides by parking lot paving, therefore, only trees in landscaped "islands" or "fingers" can count toward the parking lot tree requirement.

c. **Size of Trees:** Trees shall be a minimum of 1 1/2 inches in diameter or caliper and of a height and configuration to minimize conflict with structures, pathways and vehicular traffic.

d. **Species:** Require trees shall be of an approved species, as identified in the City's "Tree and Planting Guide", or as specifically recommended by a licensed landscape architect addressing the conditions where said trees are to be located so as to maximize the tree's health and survivability while minimizing potential physical damage to sidewalks, curbs, gutters and other public or private site improvements.

e. **Planting Area Size:** Size of planting area and depth of soil shall be of sufficient size and design to accommodate the growth of the trees and prevent damage to the trees by vehicles as determined by licensed landscape architect and approved by Administrator.

f. **Small Parking Lot Adjustment:** The city recognizes that parking lot trees have the greatest impact in relatively large parking lots, thirty (30) or more spaces. Small parking lots, twenty nine (29) or fewer spaces, may not significantly benefit from trees within

the parking area, therefore, upon approval by the Administrator, the require parking lot trees may be located adjacent to the parking area to provide visual relief and shading. Parking lot trees may be located in grassy swale areas only when they will not interfere with the drainage function of the swale.

4. Landscape Maintenance Requirements: Any landscaping require for compliance with any development or land use standard of this ordinance shall be maintained on a continuing basis to assure the health and longevity of the hardscape and vegetative landscape.

a. Any trees and shrubs used in the landscaping and screening of a zone or use shall be maintained in a healthy growing condition. The owner of the property shall bear primary responsibility for maintenance of landscaping. Dead or diseased trees and shrubs shall be replaced within six (6) months and the planting area shall be maintained free of weeds and trash.

b. The property owner shall bear primary responsibility for maintenance of all required storm water treatment areas (grass swales). All grassed areas shall be kept trim and maintained free of weeds and trash. Dead grass shall be replaced within sixty (60) days, unless an extension is granted by the Administrator. Extensions may be granted by the City for a specified time frame, to accommodate seasonal weather circumstances.

5. Administrative Relief: Application for an exception from a particular landscaping provision, regulation, or standard may be made in writing to the Administrator.

a. Exceptions may be considered for the location or area of require landscaping, number and/or type of require plantings, or other such design requirements for required landscaping.

b. Exceptions may only be granted by the Administrator based upon the following findings:

(1) The requested exception is based upon a unique character or feature of the property or use, which does not generally apply to other properties or similar uses subject to the requirement from which an exception is sought;

(2) The requested exception will not be injurious to the public safety and welfare;

(3) If approved, the requested exception will be equally protective of the public interest, and will otherwise achieve the identified purposes of these landscaping requirements; and,

(4) The applicant has provided detailed plans for an alternative approach to landscaping and screening that demonstrates that intent of these landscaping and screening requirements will otherwise be met.

#### B. Off-Street Parking Standards.

1. Purpose: The purpose of this section is to set forth the off-street parking requirements for various buildings and uses irrespective of the districts in which they occur.

a. Required Off-Street Parking: Off-street parking shall be provided on the development site for all zones.

b. Parking Area Design: All public or private parking areas shall be designed, laid out and constructed in accordance with the provisions of this section.

c. Ingress/Egress: All require parking shall be served by a service drive so that no backward movement or maneuvering of a vehicle within a street, other than an alley, will be require. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic ingress and egress, and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way driveways be less than twenty feet (20') and twelve feet (12') in width respectively.

#### 2. Common Facilities for Mixed Uses:

a. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided below.

b. The City may authorize the joint use of parking facilities required by the uses and any other parking facility, provided that:

(1) The applicant shows there is no substantial conflict in the location of the buildings or operation of the businesses for which the joint use of parking facilities is proposed.

(2) The parking facility for which joint use is proposed is no further than four hundred feet (400') from the building or use require to have provided parking.

(3) The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the City Attorney as to form and content. Such instrument shall be recorded in the office of the County Recorder and copies filed with the City Clerk.

3. Parking Lot Standards: All public or private parking areas which contain three (3) or more parking spaces and all outdoor vehicle sales areas shall be improved according to the following requirements:

a. All parking areas shall be surfaced in accordance with Paragraph D of this Section, with landscaping in accordance with Paragraph A of this Section.

b. All parking areas shall provide substantial bumper stops which will prevent cars from encroachment on abutting private and public property, landscaping or drainage swales.



- c. Parking areas for multi-family residential uses shall not be located in a require front yard.
- d. All parking spaces shall be substantially marked and comply with the Institute of Transportation Engineer (ITE) standards.

C. Off Street Loading Areas: Access to loading spaces from streets or alleys shall be provided in a manner that does not impede the flow of traffic within the public right-of-way. Turning movements of vehicles accessing the loading space shall be provided on site and not within the public right-of-way except where an administrative exception may apply. In no case shall off street loading areas be part of the areas used to satisfy the off-street parking requirements.

1. General Provisions: The following provisions shall apply to off-street loading facilities:

a. The provision and maintenance of off-street loading space is a continuing obligation of the property owner. No building permit shall be issued until a site plan is presented that shows property that is and will remain available exclusively for off-street loading. Should the owner or occupant of any building change the use to which the building is put, thereby increasing off-street loading requirements, it shall be unlawful and a violation of this Title to begin or maintain such altered use until such time as the increased off-street loading requirements are met.

b. Owners of two (2) or more buildings may agree to utilize jointly the same loading spaces when the hours of operation do not overlap; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, leases or contracts to establish the joint use.

2. Berths: Buildings to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

a. The following standards shall be used in establishing the minimum number of berths required:

Building Gross Floor Area (sq. ft.)	Number of Berths
Up to 10,000	1
10,000 and over	2

b. A loading berth shall contain a space ten feet (10') wide and thirty-five feet (35') long, and have a vertical clearance of fourteen feet (14'). Where the vehicles generally used for loading and unloading exceed these dimensions, the require dimensions of these berths shall be increased.

3. Off-Street Loading Areas: The following performance standards shall apply to off-street loading facilities in addition to all other provisions of this title:

a. Loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

b. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

c. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line and a straight line joining the lines through points twenty feet (20') from their intersection.

4. Administrative Exceptions: Exceptions to requirements for turning movements of vehicles accessing loading space to be provided on site and not within the public right-of-way may be granted by the Administrator in industrial areas with low traffic volumes, provided the following standards are met:

a. The requested exception is based upon a unique character or feature of the property, which does not generally apply to other properties or similar uses subject to this requirement;

b. The requested exception will not be injurious to public safety and welfare.

c. There is sufficient evidence to demonstrate the following standards have been met:

(1) Adequate sight distance at the approach to the subject property, and

(2) Adequate width of paved roadway to accommodate the . turning radius require to access the subject loading areas from the public right-of-way; and,

(3) Potential delays and disruption to traffic flow caused by such maneuvering will be minimal, based upon the frequency and timing of truck deliveries and pick-ups, and the volume of traffic on the subject right-of-way.

D. Surfacing Requirements

1. Pavement Required: All commercial driveways and commercial parking, loading and maneuvering areas as set forth below and as require by this code shall be paved with hot asphalt, portland cement concrete, approved paving blocks or bricks:

a. Areas providing access to and from the site.

b. Parking lots and other areas provided for the temporary parking of vehicles other than those areas provided for long term storage in conjunction with a storage facility.

- c. Areas provided for staging, loading and off-loading materials or passengers from a vehicle.
- d. Storage of rental vehicles including, but not limited to, trailers, automobiles, trucks and recreational vehicles.
- e. Display lots for the sale of trailers, automobiles, trucks and recreational vehicles.

2. Compacted Gravel Required: All commercial areas utilized for staging and maneuvering where paving is not require, as set forth below, shall be compacted with a gravel surface and maintained to minimize the generation of dust and growth of weeds:

- a. Storage of recreational vehicles when screened, as require by this code.
- b. Areas intended for temporary storage of landscaping, construction and/or building materials.
- c. Staging areas to accommodate the turning movements of heavy construction equipment in a distinct localized area.

3. Surfacing Plans Required:

a. Where paving is required, a paving plan addressing the area to be paved, composition of pavement materials, pavement markings, elevations and stormwater mitigation shall be reviewed and approved by the city prior to construction.

b. Where gravel surfacing is require, a plan describing the compaction process, subsequent placement of gravel and maintenance plan addressing stormwater management and dust and weed control shall be reviewed and approved by the city prior to construction.

4. Completion of Improvements: All require paving and gravel surfacing improvements require shall be completed prior to the issuance of a certificate of occupancy.

E. Exterior Lighting: Exterior lighting shall be architecturally integrated with the character of all structures in a manner that is energy efficient with illumination confined within boundaries of the site to the maximum extent feasible, thus minimizing adverse effects on surrounding property and public rights-of-way. The following performance standards shall apply to exterior lighting:

1. Illumination of parking areas and pathways providing public on-site access shall be provided at a minimum of 0.2 foot-candle per square foot.
2. Lighting shall be shielded or recessed so that direct or reflected glare and reflections are projected downward.
3. No permanently installed lighting shall blink, flash, or be unusually high intensity or brightness.
4. All lighting fixtures shall be appropriate in scale, intensity, and height to the use they are serving.
5. All exterior lighting, including parking and vehicle sales lot lighting, shall be so arranged as to reflect the light away from any abutting or adjacent residential district.
6. This section does not apply to sign illumination, traffic safety lighting, or public street lighting or sign illumination.

F. Trash Receptacle Areas: Trash receptacle areas shall be require for all commercial, industrial, institutional and multi-family residential uses for the purpose of keeping trash contained from being blown about by the wind and to ensure that trash areas do not visually detract from the surrounding neighborhood. The following performance standards shall apply:

1. All trash and/or garbage collection areas for commercial, industrial, and multifamily residential uses shall be completely enclosed on all sides with a gated entry.
2. Enclosures shall serve to visually screen the dumpster from public view and shall be constructed with consistent, like new materials, constructed in a workmanlike manner to a height of not less than six feet (6') tall.
3. Enclosed surface areas shall be paved with hot asphalt, Portland cement concrete, or approved paving blocks or bricks.
4. Adequate vehicular access to and from such an area or areas for collection of trash and/or garbage as determined by the city shall be provided.

G. Outdoor Storage of Materials: The following performance standards shall be complied with in addition to all other provisions of this title:

1. Will be screened from view from any adjoining residence or residentially zoned area whether or not such property is separated by an alleyway or street;
2. Will not be located in any front yard setback area.

H. Restroom Availability: All commercially developed sites shall have approved restrooms connected to municipal sewer service. Temporary commercial uses or other subsidiary uses located on a developed commercial site shall have a shared use agreement with the owner of available restrooms located on the site or adjacent site.

- I. Restroom availability shall be provided during all hours of operation.

J. Standards for Specific Uses

1. Multi-Family Yard Requirements: Multi-family dwellings shall be considered as one building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one front, one rear and two (2) side yards as specified for dwellings in the appropriate district.

## 2. Animal Services:

a. Will be located at least three hundred feet (300') from any residence including motels and hotels, except for any owner's residence. The city council may modify these requirements if the animals are completely housed in soundproof structures that completely screen them from view of the abutting residential property;

b. Will be designed and located with full consideration to their proximity to adjacent uses, their effect upon adjacent and surrounding properties, and to the reduction of such nuisance factors as odor; and

c. Will be adequately maintained with housekeeping practices to prevent the creation of a nuisance and shall also be subject to the health authority requirements as to the elimination of waste materials and the maintenance of water quality control.

## 3. Bulk Storage of Flammable Liquids and Gases, above ground and for resale:

a. Will be located at least three hundred feet (300') from a residential zone, a residence, motel, hotel, except for an owner's residence;

b. Will be erected subject to the approval of Northern Lakes Fire Protection District;

c. Will have suitable loading and unloading spaces and off street parking facilities- subject to the approval of the Northern Lakes Fire Protection District.

4. Chemical Storage or Manufacturing: Chemicals, pesticide and fertilizer storage and manufacturing will have adequate fire protection, storage area, handling and disposal facilities as approved by the Northern Lakes fire protection district.

## 5. Drive-up or Drive-Through Window Service:

a. Site will have a six foot (6') high sight obscuring fence along the property lines that adjoin a residence;

b. Screening consisting of a 6 foot high solid fence and landscape buffer to absorb noise shall be provided where drive-up windows face or adjoin a residential district.

c. Drive-through lane widths shall be a minimum of 12 feet, with said lane widths require to be clear of any physical obstructions.

d. Drive-throughs shall provide a total of 5 queuing spaces; each require queuing space shall be minimum length of 20 feet.

e. The entrance and exit to any drive-through or queuing lanes shall be internal to the site, not a separate entrance and/or exit to or from the street.

f. No drive-through/queuing lanes shall be located within twenty feet (20') of any residentially zoned property.

g. Drive-through lanes and require queuing shall not obstruct driveway approaches providing ingress/egress to the site, nor shall such queuing obstruct ingress/egress to any require parking spaces.

6. Construction Related Temporary Structures, Equipment and Material Storage: Temporary buildings, construction trailers, equipment and materials used in conjunction with construction may be permitted in any district during the period construction work is in progress. Such temporary facilities shall be removed upon completion of the construction work.

7. Portable and/or Temporary Business Structures: Drive-through food and beverage stands, temporary seasonal retail operations and other portable commercial service structures of less than 750 square feet, excepting "Construction Related Temporary Structures" addressed in this subsection, shall meet the following standards:

a. Shall be clearly subordinate to a principal commercial use on the subject property, with all temporary and semi-permanent structures less than 750 sq. ft. in area. For purposes of this area calculation, access aisles, parking and queuing areas shall not be considered.

b. Shall be served by paved approaches, parking, and maneuvering areas meeting the standards of this ordinance, however, such uses shall be served by no less than two (2) parking spaces in addition to those required for the principal use located on the subject property.

c. Commercial uses operated out of such temporary and/or portable structures, including associated display lots, access aisles, parking and queuing areas shall not encroach on required parking spaces for the principal use on the subject property.

d. All establishments providing drive-through service shall identify the queuing lane, menu and speaker location (if applicable), and window location on the site plan submitted with the application.

e. If located on an undeveloped site, such temporary and/or temporary structures/uses shall be subject to site plan review and site improvements as require by this title.

f. All outdoor lighting and signage shall comply with the requirements of this title.

g. All such structures, whether temporary or permanent, shall comply with requirements regarding the availability of restrooms, as set forth in 16-5-3-H. (Ord. 614, 1-11-2023)