



CITY OF LIBBY

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REGULAR COUNCIL MEETING #1637

SEPTEMBER 18, 2023 @ 7:00 PM
COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer Benjamin Girod
- Roll Call
- Welcome
- Swearing in new Libby Police Officer Donald Luthey
- Approve City Council meeting #1636 minutes dated September 5, 2023

ANNOUNCEMENTS:

COMMITTEE REPORTS:

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Finance
- Wildlife
- City-County Board of Health
- Park District Manager of Projects

PUBLIC COMMENT ON NON-AGENDA ITEMS: This is an opportunity for the public to offer comments related to issues that are not currently on the agenda that the council has jurisdiction over. Public comment is limited to 3 minutes.

OLD BUSINESS: Each previous agenda item will be introduced by the mayor with a description of the item and explanation for the recommended action to be taken. Following council discussion on each item there will be an opportunity for public comment. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

NEW BUSINESS: The mayor will introduce each new agenda item with a description of the item and an explanation for the recommended action to be taken. Following council discussion on each item, there will be an opportunity for public comment. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

1. Approve Resolution #2021, Lease Amendment Extending Existing Lease with Department of Revenue.
2. Introduce new Residential Zoning updates.
3. Approve all claims received to date.
4. Approve all business license applications received to date.
 - a. Cave Construction, 507 Nevada Ave, LLC, Carpentry, remodeling, painting, flooring, roofing, etc.
 - b. Christin Moeller, 412 Mineral Ave., Individual, Massage therapy.
 - c. Sarah's Supportive Services, 95 Bache Rd., Individual, Homecare and cleaning services.
 - d. Rocky Mountain Music, 516 Mineral Ave., Individual, Retail jewelry, musical instruments, pawn, crystals, and rocks.

UNFINISHED BUSINESS: Each item will be introduced by the mayor (or assigned liaison) with a description of the item. Following council discussion on each item, there will be an opportunity for public comment. No action will be taken. Public comment is limited to 3 minutes concerning each item.

GENERAL COMMENTS FROM COUNCIL: Public comment will not be taken during this portion of the meeting.

ADJOURNMENT:

The manner of Addressing Council:

- Each person, not a Council member, shall address the Council at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, unless further time is granted by the Council, shall limit the address to the Council to three minutes.
- All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff with no personal remarks allowed.
- No person, other than the Council and the person having the floor, shall be permitted to enter any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- Any person making personal, impertinent, or slanderous remarks or who shall become boisterous or disruptive during the council meeting shall be forthwith barred from further presentation to the council by the presiding officer unless permission to continue is granted by a majority vote of the council.

ATTENTION:

To access this meeting electronically with **ZOOM**,
Dial: 253-215-8782
Meeting ID: **4042719951**
Password: **151041**
Posted: 9/14/23

UNAPPROVED MINUTES

The City Council held Council Meeting #1636 on Tuesday, September 5, 2023, in the Council Chambers at City Hall.

Call to Order:

The meeting was called to order at 7:00 pm by Mayor Peggy Williams.

The Pledge of Allegiance was completed, roll call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke, Zach McNew, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk-Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm.

Mayor Williams welcomed all those present.

Approve City Council minutes for meeting #1634 dated August 7, 2023, meeting #1635 dated August 21, 2023 and Public Hearing dated August 21, 2023:

Councilor Zimmerman **OBSTAINED**, he was not in attendance.

Councilor Beach **MADE A MOTION** to approve City Council meeting #1634 minutes dated August 7, 2023, City Council meeting #1635 minutes dated August 21, 2023, and Public Hearing minutes dated August 21, 2023, Councilor McNew **SECONDED**.

Councilors Beach, Berke, McNew, Smith, and Taylor voted **FOR**.

MOTION PASSED.

Announcements:

Mayor Williams announced the Chainsaw Carving contest and Quilt show would be held this coming weekend and a Resource Fair going on in the grounds next door to the Memorial Center.

Committee Reports:

Administrator: Administrator Sikes reported, due to personnel issues, there have been multiple changes within the Sewer department. New Sewer Lead, Deanna Bee along with himself, with minimal training, were able to keep the plant operational.

The DEQ visited, as requested by the city, on the 28th and 29th of August to assist with the testing and operations of the sewer plant. Since, the following changes have been made.

1. Lab testing has been adjusted to meet current industry standards that includes sampling techniques and sample sizes. Now waiting for new supplies that should be here this week, along with a new autoclave bottle for e-coli testing.
2. The 5 former testing logs have been trimmed down to one Daily Lab Sheet that meets the reporting standards required by the DEQ.

3. The daily lab sheets are now integrated into a spreadsheet that will calculate all the information for the DEQ required Discharge Monitoring Reports due monthly. Currently, 2 months behind but should be caught up within the next 2 weeks.
4. Several major equipment deficiencies have been identified and will be repaired/replaced as soon as possible.
5. The plant was built in 1986 when there were no industry standards for language and acronyms. HKM engineering made up Libby's language that is now outdated. We are now updating to meet the standards.

The auxiliary bar screen is up and running. Over a two-foot solid mat of towels and adult wipes built up in the lift station that was clogging the pumps faster than could be cleared. The Streets crew vacuumed out the mat to help with the issue. With the addition of the new bar screen running, this should no longer be an issue.

The pumps at the 1st St. and Montana lift station have been completely rebuilt by the City Mechanic.

The DEQ recommends that the city adopt an Ordinance that requires residents/businesses that flush towels or adult wipes, that harms the city infrastructure, to install grinder pumps.

A new Standard Operating Procedures (SOP) has been built that will help with ensuring that the plant continues to run efficiently and effectively.

Even with the personnel issue Libby has not missed any of the required testing to keep our discharge permit. This was only possible with help from the DEQ, Mayor, City Hall Staff, and tons of help from the Streets crew. Mr. Sikes wanted to acknowledge all the effort from so many that means so much to him, the city, and to the environment that could have been contaminated without all the effort. The DEQ will be returning in two months to check on our progress. The city did hire a new person for the sewer plant, Fred Applebee, starting Sept. 11th with hopes of filling the last opening within the next few weeks.

For the Water department, the contract is being finalized, and construction of the Cabinet View Golf Course (CVGC) water main replacement should begin within the next few weeks.

Lead Service Line inventory letters are still coming in and are being filed. Thanks were expressed to everyone that has returned the questionnaire. There have been numerous calls from residents that are unable to complete the questionnaire due to multiple reasons. They are asked to seek a friend for help filling it out, please give them a hand.

Councilor Smith stated it is disappointing that people do not know what they are not supposed to dispose of down the drains. Recommending producing a document to clarify what should not be put down the drain or a PSA (Public Service Announcement) may be needed.

Councilor McNew commented, it is confusing because wipes say they are flushable.

Streets Supervisor: Justin Williams reported the city crew along with the County have completed paving Education Way.

The city crew have been sweeping streets, jetting mains, and patching potholes.

Lights have been replaced at Fred Brown Pavilion with LED's and the lights for the ballfield are in and will be replaced soon.

Crews are preparing for winter; irrigation lines will be blown out around the city and equipment cycled through the shop to prepare for snowfall. The city will be transitioning from Cal Chloride to Salt brine, to spread on the streets this winter, saving nearly half the cost that has been spent on Chloride.

Councilor Berke complimented the way Education Way turned out. Councilor Smith gave kudos to the city staff.

Fire: Councilor Zimmerman for the month of July, 17 calls were received, 4 City, 9 Rural Fire District, and 4 outside of City or RFD. 2 vehicles, 1 structure, 7 grass/wildland, 2 mutual aid, 2 false alarms, 2 powerlines, and 1 fuel spill/HAZMAT. For the month of August, 14 calls were received, 1 City, 8 Rural Fire District, and 5 outside City or RFD. Totaling 76 calls for 2023.

Police: Chief Ercanbrack reported for month of August, 188 calls were received down from 222 calls in 2022. Officer Thomas started the Police Academy and everything that has been reported from his field training officers he is doing a phenomenal job.

Zoning: Councilor Smith announced the Zoning Commission met August 28th with the intent to have a final recommendation about residential district changes, but a quorum was not present and will come forward with a memo on the next path forward.

Finance: Clerk/Treasurer Monigold reported the FY24 budget has been compiled and is ready to be sent to the State. The 1st needs list for the auditor to begin the FY23 audit has began being uploaded into the cloud.

At the Budget hearing there was a question about the phone budget increase. Due to an oversight for the FY23 budget some of the cell phones were not budgeted that ran \$450 a month. The actual cost for all phone bills was \$31,000 budgeted was \$26,000 a difference of \$5,500 costing \$2625 a month. For FY24 all phones along with cell phones have been budgeted at \$24,000 with a monthly payment of \$2,000.

Wildlife: Councilor Taylor reported a committee meeting was held last week to go over the Turkey Management draft. The committee made a few minor changes to the wording, the proposed plan has been forwarded to Fish & Game for their review for any changes they would like to see before it is sent to Council.

Public Comment on Non-Agenda Items:

Blaine Curtis inquired what was going on with the city. Has concerns about the personnel issues with the Police Department and Wastewater Treatment Plant wondering if it could affect other departments. Inquiring if there have been fines or if anything has been going into the river.

Old Business: None.

New Business:

Public Hearing – Accessory Dwelling Unit:

Mayor Williams **OPENED** the Public Hearing at 7:20pm and read the background of the Governors Housing Task Force, explaining that one of their land use recommendations passed by the 2023 legislature as a new MCA was SB 528 providing for Accessory Dwelling Units to be constructed in municipal residential zones. SB528 determines municipalities have very few restrictions that can be placed on ADUs. Mayor Williams explained the process that was taken to present the ADUs to the Council.

Public Comment: Jennifer Nelson, 1026 Washington Ave, a member of the Planning Board, recommended some additions to the Ordinance. Section 2, subsection F, stating it prohibits the city from requiring improvement of public streets but does allow the reconstruction with ADUs, recommending that be stated in the Ordinance. The other recommendation was to add all ADUs are subject to city permitting requirements.

Council Comment:

The council discussed the current policies in place that would require permits and the reconstruction of any streets disturbed during construction.

Councilor Smith agreed to add a provision stating all ADUs are subject to all city building codes and permitting requirements.

The council agreed to the provision.

Council Beach inquired about the water/sewer hookups, questioning if ADUs will be hooking into the main structure water/sewer or require a separate hookup.

The council discussed water/sewer rules and possible hookup issues and by adding the provision, all city permitting is required, it would cover the any issues within the Ordinance and Water Rules could be updated for any new requirements of hookups.

Mayor Williams **CLOSED** the Public Hearing at 7:31pm.

The regular meeting resumed at 7:31pm.

Approve Resolution #2009, Accessory Dwelling Unit:

Mayor Williams read the introduction of Resolution #2009.

Councilor Smith **MADE A MOTION** to approve Resolution #2009, Accessory Dwelling Unit, recommending adding provision (F.) All ADUs are subject to all city permitting, Councilor Beach **SECONDED**.

Councilors Beach, Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve all claims received to date:

Councilor Zimmerman **MADE A MOTION** to approve all claims received to date, Councilor Berke **SECONDED**.

Councilors Beach, Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve all business license applications received to date:

Peachie Clean.

Councilor Zimmerman **MADE A MOTION** to approve all business licenses received to date and Councilor Beach **SECONDED**.

Councilors Beach, Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

General Comments from the Council:

Mayor Williams commented on having several conversations with someone having an issue with cats spraying their property. The mayor wanted to inform the Council that the person may attend a meeting to request an ordinance regarding cats staying on their own property. She stated that issue was heavily discussed when the animal chapter of the city codes were being created and people seem to have a different attitude about cats and dogs.

The flag in the Cemetery situation, after having a conversation with Rob Dufficy, he was given the go-ahead to put a spotlight, that was donated, on the power pole across the street shining onto the flagpole.

The Subcommittee has been invited by EPA and IP to do a walk-through of the IP ground water site next week and is waiting to hear from EPA how many people can be invited to extend an invitation to all Council members.

Councilor Smith commented on how it is understandable people might get frustrated with some of the personnel issues but there is usually more to the story than what you hear and confident that thing will be a lot better for the city.

Council Taylor announced Libby has been named the “New Best Small Town in Montana” by Discoverer magazine.

Adjournment:

Councilor Zimmerman **MADE A MOTION** to Adjourn and Councilor Berke **SECONDED**.

Councilors Beach, Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:39 PM.

Mayor Peggy Williams

Clerk-Treasurer Leann Monigold

RESOLUTION NO. 2021

A RESOLUTION AUTHORIZING A LEASE AMENDMENT TO EXTEND AN EXISTING LEASE OF 2,160 SQUARE FEET AT 952 E. SPRUCE STREET IN LIBBY, MONTANA, WITH DEPARTMENT OF REVENUE FOR A MONTHLY RENT OF \$2,781.00.

WHEREAS, on July 1, 2021, the Department of Revenue, executed a two-year Lease Agreement with the City of Libby for space located in Suite 600 at 952 E. Spruce Street, Libby, Montana; and

WHEREAS, the Agreement allows the City of Libby to renew the Agreement for two additional years and the City agrees to renew the Lease at a monthly rate of \$2,781.00 from July 1, 2023 to June 30, 2025;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Libby hereby authorize to execute the above-described Lease Renewal with the Department of Revenue, with all the terms and conditions of the Lease, including all prior amendments, remain in effect, except as expressly amended in the attached First Amendment to Lease #5904-C;

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA, on this 18th day of September 2023.

By: _____
Peggy Williams, Mayor

Attest: _____
Leann Monigold, Clerk/Treasurer

FIRST AMENDMENT TO LEASE #5904-C
(Amendment Template last revised May 24, 2023)

This First Amendment to Lease # 5904-C is made by and between the Montana Department of Revenue, 125 North Roberts, Helena, Montana, 59601, "Lessee" The City of Libby, P.O. Box 1428, Libby, Montana, 59923, "Lessor," each a party and collectively, the parties.

The purpose of this Amendment is to extend the lease 2 years, until June 30, 2025.

The parties agree to amend the lease as follows (new language underlined, old language interlined):

3. TERM OF LEASE/CONDITION OF PREMISES AT END OF TERM

A. The lease term is ~~2 years, effective~~ July 1, 2021 through June 30, 2023 2025, unless earlier terminated as provided in sections 12, 13, 17, 18, 20 and 21 or renewed as provided in Section 5.

Except as expressly amended herein, all the terms and conditions of the Lease, including all prior amendments, remain in effect.

(The remainder of this page is left blank intentionally).

PARTIES TO THE AMENDMENT TO LEASE

Lessor

By: _____
Peggy Williams, Mayor Date
City of Libby

By: _____
Leann Monigold, Clerk & Recorder Date
City of Libby

Lessee

By: _____
Teresa G. Whitney, Legal Counsel Date
Montana Department of Revenue

By: _____
Brendan Beatty, Director Date
Montana Department of Revenue

APPROVED BY:

By: _____
Garett M. Bacon, Leasing Officer Date
Montana Department of Administration, General Services Division

By: _____
Julia Swingley, Agency Legal Counsel Date
Montana Department of Administration

By: _____
Office of Budget and Program Planning Date

By: _____
Misty Ann Giles, Director Date
Montana Department of Administration

Chapter 17.12 - RESIDENCE A DISTRICT

Sections:

17.12.010 – Purpose & Intent

Residential A is the largest of the residential districts. It is characterized predominantly by single-family detached dwellings. The purpose and intent are to maintain the walkability and density of housing of the neighborhoods.

17.12.020 - Uses.

Within any Residence A District, no building, structure, or premises shall be used or arranged or designed to be used, except for the following::

Primary Uses

- A. A detached dwelling for only one family or for one housekeeping unit;
- B. A detached dwelling for two families or for two housekeeping units;
- C. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two in any one-family dwelling or does not exceed four in any two-family dwelling;
- D. Churches and other places of worship;
- E. Community centers , except those in which a chief activity is a gainful service or activity usually conducted as a business;
- F. Truck gardens or nurseries;
- G. Educational or religious institutions.;
- I. Municipal playgrounds and parks;

Accessory Uses

Accessory uses customarily incidental to any of the above permitted uses, but not including the conduct of a business or industry or any driveway or walk giving access thereto:

- A. A private garage on the same lot with or within the building to which it is accessory and in which garage no business or industry is conducted. Garage space may be provided for two motor vehicles on any lot and may be provided for one additional motor vehicle for each two thousand five hundred (2,500) square feet of lot area by which such lot area exceeds five thousand (5,000) square feet. Only one commercial vehicle may be stored on any lot.
- C. Garages, or carports, must be set back (recessed) a minimum of ten (10) feet from the frontmost face of the house.
- D. Where alleys are present, alleys must be used as vehicular access to the lot.
- E. Home Occupations:

Customary home occupations are defined as those carried out in the residence of the occupant but which do not generate traffic to or from the residence; nor do does it invite on-site customers or direct sales. Home occupations may not consume more than one-

half (1/2) of the floor area of one story; provided further, that no person is employed in said occupation other than a member of the immediate family residing in the home. No sign shall be used to advertise such occupation except as is provided in this section.

F. Signs Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.

1. There shall be no electronic signs.
2. Any illuminated signs must be downward directional.
3. Signs pertaining to the lease or sale, or use of a lot or building may be placed on the property; provided that the total area of all such signs does not exceed six (6) square feet.
4. Signs bearing the name or occupation of an occupant, shall not exceed one (1) square foot for each family housed.
5. Signs not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.
6. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Any such signs may not be placed on the property so as to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.

17.12.030 - Lot area.

The minimum lot size shall be six thousand (6,000) square feet for each dwelling.

17.12.040 - Setbacks.

No building shall be erected, reconstructed, or altered so as to project in any manner beyond the property line.

Front Yard

- A. No new building shall be erected with its street wall or walls nearer than twenty-five (25) feet to the front property line.
- B. Steps and/or ramps extending beyond the front wall of the building are exempt from the above provision.

Rear yard

There shall be a rear yard on every lot, with a minimum depth of twenty-four (24) feet for a one-story building, and thirty-six (36) feet for a two story or two and one-half story building.

Side yard

There shall be a side yard on each side of every building except as provided for accessory buildings. The minimum side setback shall be seven (7) feet and the least sum of the widths of both side yards shall be sixteen (16) feet.

Corner lot

In the case of a corner lot, the minimum side setback on the side street shall be fifteen (15) feet.

17.12.050 - Building Footprint

Each single-family residence shall have a minimum footprint of not less than seven hundred (700) square feet. Each unit of a two-family dwelling shall have a minimum footprint of not less than five hundred fifty (550) square feet including one bedroom, and another one hundred (100) square feet per each additional bedroom.

17.12.060 - Height.

No building shall exceed thirty (30) feet in height.

17.12.070 - Accessory buildings.

- A. Accessory buildings not more than fifteen (15) feet high may be located in the rear yard; provided such buildings occupy not more than twenty-five percent (25%) of the rear yard area; provided, further, such accessory buildings come not nearer than three (3) feet to any lot line.
- B. On corner lots, no wall of an accessory building shall be nearer to a side street property line than the side wall of the main building.
- C. Industrial storage (freight containers) are not permitted.

17.12.080 - Vacant lots.

Vacant lots shall be maintained and kept free of weeds. Certain uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

17.12.090 - Construction.

All construction shall be in accordance with the City's adopted Building Code.

17.12.100 – Outdoor Features, Storage and Temporary Storage (see Definitions)

- A. Non-permanent parking structures may not be erected in the front yard without a permit for a set period of time, not to exceed 12 months while a permanent structure is being constructed.
- B. Propane Tanks are not permitted in front yards
- C. Recreational Fires: Must only be located in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in accordance with manufacturer's instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces).
- D. No Class A or C or 5th wheel recreational vehicles, or campers greater than sixteen (16) feet are allowed to be parked on the property

Chapter 17.12 - RESIDENCE A DISTRICT

Sections:

17.12. – Purpose & Intent

Residential A is the largest of the residential districts. It is characterized predominantly by single-family detached dwellings. The purpose and intent are to maintain the walkability and density of housing of the neighborhoods.

17.12.010 - Uses.

Within any Residence A District, no building, structure, or premises shall be used or arranged or designed to be used, except for ~~one or more of~~ the following ~~uses~~:

Primary Uses

- A. A detached dwelling for only one family or for one housekeeping unit;
- B. A detached dwelling for two families or for two housekeeping units;
- C. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two in any one-family dwelling or does not exceed four in any two-family dwelling;
- D. Churches and other places of worship;
- E. ~~Clubs, lodges, social and e~~Community centers ~~buildings~~, except those in which a chief activity is a gainful service or activity usually conducted as a business;
- F. Truck ~~gardens, gardens or~~ nurseries, ~~noncommercial greenhouses~~;
- G. ~~Institutions of an e~~Educational ~~or~~, religious, ~~or philanthropic character~~institutions, ~~other than correctional institutions~~;
- H. ~~Repealed.~~
- I. Municipal ~~recreation buildings~~, playgrounds and parks;
- J. ~~All residence construction shall be of a standard approved by the building inspector;~~
- K. ~~Each single family residence or other main building shall have a total area, under roof, of not less than seven hundred (700) square feet, twenty percent (20%) of which may be on a second floor above ground. Each multiple family dwelling shall have an area of not less than five hundred fifty (550) square feet including first bedroom and one hundred (100) square feet additional for each additional bedroom for each family, which may be distributed on two floors above ground; and~~

Accessory Uses

~~L.~~—Accessory uses customarily incidental al to any of the above permitted uses, but not including the conduct of a business or industry or any driveway or walk giving access thereto:

- ~~1A.~~—A private garage on the same lot with or within the building to which it is accessory and in which garage no business or industry is conducted. Garage space may be provided for two motor vehicles on any lot and may be provided for one additional motor vehicle for each two thousand five hundred (2,500) square feet of lot area by which such lot area

exceeds five thousand (5,000) square feet. Only one commercial vehicle may be stored on any lot.

~~No part of any such garage shall be used for residence purposes.~~

C. Garages, or carports, must be set back (recessed) a minimum of ten (10) feet from the frontmost face of the house.

D. Where alleys are present, alleys must be used as vehicular access to the lot.

~~2.— Repealed.~~

~~3E.- Home Occupations:~~

~~Customary home occupations are defined as those carried out in the residence of the occupant but which do not generate traffic to or from the residence; nor do does it invite on-site customers or direct sales. Home occupations may not consume more than one-half (1/2) of the floor area of one story; provided further, that no person is employed in said occupation other than a member of the immediate family residing in the home. No sign shall be used to advertise such occupation except as is provided in this section.~~

F. Signs Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.

1. There shall be no electronic signs.

2. Any illuminated signs must be downward directional.

3. Signs pertaining to the lease ~~or~~, sale, or use of a lot or building may be placed on the property thereon; provided that the total area of all such signs does not exceed ~~eightsix~~ (6) square feet. ~~;~~ provided, further, that on a lot or dwelling and pertaining to the use thereof

4. Signs bearing the name or occupation of an occupant, shall not exceed one (1) square foot for each family housed.

5. Signs ~~A sign or building board~~ not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.

6. Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Any such signs may not be placed on the property so as to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.

~~4.— Customary home occupations carried on in the residence of the occupant and not in any accessory building provided that not more than one-half of the floor area of one story is devoted to such uses; provided further, that no person is employed in said occupation other than a member of the immediate family residing in the home. No signboard shall be used to advertise such occupation except as is provided in Subsection L of this section.~~

17.12.080 - Lot area.

The minimum lot size shall be six thousand (6,000) square feet for each dwelling.

17.12.020 – Height.

~~No building shall exceed thirty-five (35) feet or two and one-half stories in height. Churches, schools, or any other public building permitted to be constructed in a Residence A District may be built to a height of seventy (70) feet or six stories; provided any such building sets back from every street and lot line one foot for each foot of height of the building in excess of forty-five (45) feet.~~

17.12.030 - Rear yardsSetbacks.

No building shall be erected, reconstructed, or altered so as to project in any manner beyond the property line.

Front Yard

- A. No new building shall be erected with its street wall or walls nearer than twenty-five (25) feet to the front property line.
- B. Steps and/or ramps extending beyond the front wall of the building are exempt from the above provision.

Rear yard

There shall be a rear yard on every lot, ~~which rear yard shall have~~with a minimum depth of twenty-four (24) feet for a ~~one-story~~one-story building, ~~which depth shall be increased to~~and thirty-six (36) feet for a two story or two and one-half story building.

Side yard

There shall be a side yard on each side of every building except as provided for accessory buildings. The minimum side setback shall be seven (7) feet and the least sum of the widths of both side yards shall be sixteen (16) feet.

Corner lot

In the case of a corner lot, the minimum side setback on the side street shall be fifteen (15) feet.

17.12. _____ - Building Footprint

Each single-family residence shall have a minimum footprint of not less than seven hundred (700) square feet. Each unit of a two-family dwelling shall have a minimum footprint of not less than five hundred fifty (550) square feet including one bedroom, and another one hundred (100) square feet per each additional bedroom.

17.12.020 - Height.

No building shall exceed thirty (30) feet in height.

17.12.040 - Accessory buildings.

- A. Accessory buildings not ~~over more than~~ fifteen (15) feet high may be located in the rear yard; provided such buildings occupy not more than twenty-five percent (25%) of the rear yard area; provided, further, such accessory buildings come not nearer than three (3) feet to any lot line.
- B. On corner lots, no wall of an accessory building shall be nearer to a side street property line than the side wall of the main building.
- C. Industrial storage (freight containers) are not permitted.

~~17.12.050 - Corner lot.~~

~~In the case of a corner lot, no wall of an accessory building shall be nearer to a side street line than the side line of the main building and it shall also be as far from the side street line as the setback line fixed by this chapter for building on the side street lots or as near thereto as the width of the lot permits, provided that it can be not less than fifteen (15) feet from the side line.~~

~~17.12.060 - Side yards.~~

~~There shall be a side yard on each side of every building except as heretofore provided for accessory buildings. The minimum width of any side yard shall be seven feet and the least sum of the widths of both side yards shall be sixteen (16) feet.~~

~~17.12.070 - Setback line.~~

- A. ~~No building shall be erected, reconstructed, or altered so as to project in any manner beyond a line which is distant from the street line, the average distance therefrom of the buildings fronting on the same side of the street within the block on September 6, 1966.~~
- B. ~~Where no buildings exist fronting on the same side of the street within the block, no new building shall be erected with its street wall or walls nearer than twenty five (25) feet to the front property line being inside sidewalk.~~
- C. ~~Steps extending beyond the front wall of the building are exempt from the foregoing provisions.~~
- D. ~~The foregoing setback line provisions shall apply only along the front lot line.~~

~~17.12.080 - Lot area.~~

~~The minimum requirements shall be six thousand (6,000) square feet of lot area for each dwelling.~~

17.12.090 - Vacant lots.

Vacant lots shall be maintained and kept free of weeds. Certain uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

~~These shall be used for lawns, gardens, tennis courts, playgrounds and other recreational facilities only and shall be kept free of all rubbish or garbage at all times; provided, that other uses of vacant lots may be permitted by written authority of the building inspector, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.~~

17.12.100 - Construction.

All construction shall be in accordance with the City's adopted Building Code.

~~All residence construction shall be of an approved standard with properly sized timber in the frames spaced for strength and all siding materials of brick, stone, terra cotta, or other masonry shall be of an accepted standard and all wood or composition sidings shall also meet the requirements of accepted standards and in no case shall slabs, tar paper, scrap tin, or other such unsightly materials be accepted for outside finish on any residence or building of any type in any residence or business district.~~

17.12.XXX – Outdoor Features, Storage and Temporary Storage (see Definitions)

- A. Non-permanent parking structures may not be erected in the front yard without a permit for a set period of time, not to exceed 12 months while a permanent structure is being constructed.
- B. Propane Tanks are not permitted in front yards
- C. Recreational Fires: Must only be located in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in accordance with manufacturer's instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces).
- D. No Class A or C or 5th wheel recreational vehicles, or campers greater than sixteen (16) feet are allowed to be parked on the property

Chapter 17.16 RESIDENCE B DISTRICT

17.16.010 – Purpose and Intent.

The purpose of the Residential B District is to promote residential uses with greater density than Residential A. This takes the form of small lots as well as smaller footprints for single family homes; and more opportunities for multi-family housing.

17.16.020 Uses.

Within any Residence B District, no building, structure, or premises shall be used, arranged, or designed to be used, except for one or more of the following uses:

Primary Uses

- A. Any use permitted in Residence A District;
- B. Multi-family dwelling units meeting the design standards set forth herein;
- C. Each single-family residence or other main buildings shall have a total floor area, under roof, of not less than five hundred (500) square feet, twenty percent (20%) of which may be on a second floor above ground. Each multiple-family dwelling shall have an area of not less than four hundred (400) square feet including first bedroom and one hundred fifty (150) square feet additional for each additional bedroom for each family, which may be distributed on two floors above ground;

Accessory Uses

Accessory uses customarily incidental to any of the above permitted uses, but not including the conduct of a business or industry or any driveway or walk giving access thereto:

- A. A private garage on the same lot with or within the building to which it is accessory, and in which garage no business or industry is conducted. Garage space may be provided for two motor vehicles on any lot and may be provided for one additional motor vehicle for each one thousand (1,000) square feet of lot area by which such lot area exceeds five thousand (5,000) square feet. Only one commercial vehicle may be stored on any lot.
- B. Garages, or carports, must be set back (recessed) a minimum of ten (10) feet from the frontmost face of the house.
- C. Where alleys are present, alleys must be used as vehicular access to the lot.
- D. Home Occupations:

Customary home occupations are defined as those carried out in the residence of the occupant, but which do not generate traffic to or from the residence; nor do does it invite on-site customers or direct sales. Home occupations may not consume more than one-half (1/2) of the floor area of one story; provided further, that no person is employed in said occupation other than a member of the immediate family residing in the home. No sign shall be used to advertise such occupation except as is provided in this section.

E. Signs:

Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.

1. There shall be no electronic signs.
2. Any illuminated signs must be downward directional.
3. Signs pertaining to the lease or sale, or use of a lot or building may be placed on the property, provided that the total area of all such signs does not exceed six (6) square feet.
4. Signs bearing the name or occupation of an occupant, shall not exceed one (1) square foot for each family housed.
5. Signs not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.
6. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Any such signs may not be placed on the property to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.

17.16.030 – Conditional Uses

Buildings proposed to be more than 45 feet in height shall be submitted for design review with the Zoning Commission. Conditions that will be placed on such projects include but are not limited to:

1. Landscaping
2. Increased setbacks

17.16.040 – Lot area.

The minimum lot area requirements shall be as follows:

Single-family dwelling	5,000 square feet
Two-family dwelling	6,000 square feet
Three-family dwelling	7,500 square feet
Four-family dwelling	10,000 square feet.

17.16.050 - Building Footprint

Each single-family residence or other main buildings shall have a total floor area, under roof, of not less than five hundred (500) square feet, twenty percent (20%) of which may be on a second floor above ground.

Each multiple-family dwelling shall have an area of not less than four hundred (400) square feet including first bedroom and one hundred fifty (150) square feet additional for each additional bedroom for each family, which may be distributed on two floors above ground

17.16.060 Height.

No building shall exceed forty-five (45) feet. Multi-family dwellings may be higher than forty-five (45) feet with a Conditional Use Permit and Design Review with the Zoning Commission.

17.16.070 Accessory buildings.

- A. Accessory buildings not more than fifteen (15) feet in height may be located in the rear yard; provided such buildings occupy not more than twenty-five percent (25%) of the rear yard area; provided, further, such accessory buildings come not nearer than three (3) feet to any lot line.
- B. On corner lots, no wall of an accessory building shall be nearer to a side street property line than the side wall of the main building.
- C. Industrial storage (freight containers) are not permitted.

17.12.080 – Outdoor Features, Storage and Temporary Storage (see Definitions)

- A. Non-permanent parking structures may not be erected in the front yard without a permit for a set period, not to exceed 12 months while a permanent structure is being constructed.
- B. Propane Tanks are not permitted in front yards
- C. Recreational Fires: Shall only be in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in accordance with manufacturer's instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces)
- D. No Class A or C or 5th wheel recreational vehicles, or campers greater than sixteen (16) feet are allowed to be parked on the property.

17.16.090 – Setbacks

No building shall be erected, reconstructed, or altered to project in any manner beyond the property line.

Front yards

- A. No new building shall be erected with its street wall or walls nearer than twenty-five (25) feet to the front property line.
- B. Steps and/or ramps, uncovered porches and covered but unenclosed porches on the first story, which do not extend more than ten (10) feet beyond the front wall of the building, are exempt from the foregoing provisions.

Rear yards.

There shall be a rear yard on every lot, which rear yard shall have a minimum depth of twenty-four (24) feet for a one story building, thirty (30) feet for a two story building and thirty-six (36) feet for a three story building.

Side yards.

There shall be a side yard on each side of every building except as above provided for accessory buildings. The minimum width of any side yard and the least sum of the widths of both side yards shall be as follows:

Height	Least Widths of Side Yard	Least Sum of Widths of Both Side Yards
Sixteen (16) feet	Five (5) feet	Fourteen (14) feet
Twenty-eight (28) feet	Six (6) feet	Fifteen (15) feet
Thirty-six (36) feet	Eight (8) feet	Twenty (20) feet.
45 feet in height	Fifteen (15) feet each side	N/A

17.16.100 – Corner lot.

In the case of a corner lot, the minimum side setback on the side street shall be fifteen (15) feet..

17.16.110 - Parking

Parking shall be provided on site at a ratio of 2 spaces for each unit plus 1 guest space for each three (3) units

17.16.120 Vacant lots.

Vacant lots shall be maintained and kept free of weeds. Certain uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

17.16.130 Construction.

All construction shall be in accordance with the City’s adopted Building Code.

Chapter 17.16 RESIDENCE B DISTRICT

17.16.010 Purpose and Intent.

The purpose of the Residential B District is to promote residential uses with greater density than Residential A. This takes the form of small lots as well as smaller footprints for single family homes; and more opportunities for multi-family housing.

17.16.010-020 Uses.

Within any Residence B District, no building, structure, or premises shall be used, arranged, or designed to be used, except for one or more of the following uses:

Primary Uses

- A. Any use permitted in Residence A District;
- B. Detached dwellings for not more than four families or housekeeping units; Multi-family dwelling units meeting the design standards set forth herein;
- ~~C. Dormitories or apartment houses, boardinghouses, or roominghouses;~~
- D. Each single-family residence or other main buildings shall have a total floor area, under roof, of not less than five hundred (500) square feet, twenty percent (20%) of which may be on a second floor above ground. Each multiple-family dwelling shall have an area of not less than four hundred (400) square feet including first bedroom and one hundred fifty (150) square feet additional for each additional bedroom for each family, which may be distributed on two floors above ground;

Accessory Uses

Accessory uses customarily incidental to any of the above permitted uses, but not including the conduct of a business or industry or any driveway or walk giving access thereto:

A. A private garage on the same lot with or within the building to which it is accessory, and in which garage no business or industry is conducted. Garage space may be provided for two motor vehicles on any lot and may be provided for one additional motor vehicle for each one thousand (1,000) square feet of lot area by which such lot area exceeds five thousand (5,000) square feet. Only one commercial vehicle may be stored on any lot.

B. Garages, or carports, must be set back (recessed) a minimum of ten (10) feet from the frontmost face of the house.

C. Where alleys are present, alleys must be used as vehicular access to the lot.

D. Home Occupations:

Customary home occupations are defined as those carried out in the residence of the occupant, but which do not generate traffic to or from the residence; nor do does it invite on-site customers or direct sales. Home occupations may not consume more than one-half (1/2) of the floor area of one story; provided further, that no person is employed in said occupation other than a member of the immediate family residing in the home. No sign shall be used to advertise such occupation except as is provided in this section.

F. Signs:

Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.

1. There shall be no electronic signs.

2. Any illuminated signs must be downward directional.

3. Signs pertaining to the lease or sale, or use of a lot or building may be placed on the property, provided that the total area of all such signs does not exceed six (6) square feet.

4. Signs bearing the name or occupation of an occupant, shall not exceed one (1) square foot for each family housed.

5. Signs not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.

6. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Any such signs may not be placed on the property to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.

~~E. Accessory uses as permitted and regulated in Residence A Districts, except as follows:~~

~~Garage space may be provided for two motor vehicles on any lot and space for one additional motor vehicle may be provided for each one thousand (1,000) square feet of lot area by which the lot area exceeds five thousand (5,000) square feet.~~

17.16.030 Conditional Uses

Buildings proposed to be more than 45 feet in height shall be submitted for design review with the Zoning Commission. Conditions that will be placed on such projects include but are not limited to:

1. Landscaping

2. Increased setbacks

3.

17.16.0840 – Lot area.

The minimum lot area requirements shall be as follows:

<u>-Single-family dwelling</u>	<u>5,000 square feet</u>
<u>Two-family dwelling</u>	<u>6,000 square feet</u>
<u>Three-family dwelling</u>	<u>7,500 square feet</u>
<u>Four-family dwelling</u>	<u>10,000 square feet.</u>

17.16.050 - Building Footprint

Each single-family residence or other main buildings shall have a total floor area, under roof, of not less than five hundred (500) square feet, twenty percent (20%) of which may be on a second floor above ground.

Each multiple-family dwelling shall have an area of not less than four hundred (400) square feet including first bedroom and one hundred fifty (150) square feet additional for each additional bedroom for each family, which may be distributed on two floors above ground

17.16.020-060 Height.

No building shall exceed forty-five (45) feet or three stories in height. Churches, schools, apartment houses, or any other public buildings permitted to be constructed in a Residence B-District may be constructed to a height of seventy (70) feet or six stories; provided, any such building sets back from every street and lot line, in addition to other yard and setback requirements specified in this title, one foot for each foot of height in excess of forty-five (45) feet. Multi-family dwellings may be higher than forty-five (45) feet with a Conditional Use Permit and Design Review with the Zoning Commission.

17.16.030 Rear yards.

There shall be a rear yard on every lot, which rear yard shall have a minimum depth of twenty-four (24) feet for a one-story building, thirty (30) feet for a two-story building and thirty-six (36) feet for a three-story building.

17.16.040-070 Accessory buildings.

A. Accessory buildings not more than fifteen (15) feet in height may be located in the rear yard; provided such buildings occupy not more than twenty-five percent (25%) of the rear yard area; provided, further, such accessory buildings come not nearer than three (3) feet to any lot line.

B. On corner lots, no wall of an accessory building shall be nearer to a side street property line than the side wall of the main building.

C. Industrial storage (freight containers) are not permitted.

17.12.080 – Outdoor Features, Storage and Temporary Storage (see Definitions)

A. Non-permanent parking structures may not be erected in the front yard without a permit for a set period, not to exceed 12 months while a permanent structure is being constructed.

B. Propane Tanks are not permitted in front yards

C. Recreational Fires: Shall only be in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in accordance with manufacturer's instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces)

D. No Class A or C or 5th wheel recreational vehicles, or campers greater than sixteen (16) feet are allowed to be parked on the property.

Accessory buildings not more than fifteen (15) feet high may be located in the rear yard; provided, they occupy not more than twenty-five percent (25%) of the rear yard area and come not nearer than three feet to any lot line.

17.16.050 Corner lot.

In the case of a corner lot, no wall of any accessory building shall be nearer to a side street than the side line of the main building, and it shall also be as far from the side street line as the setback line fixed by this chapter for buildings on the side street lots or as near thereto as the width of the lot will permit, provided that it can be not less than fifteen (15) feet from side line.

17.16.060 Side yards.

There shall be a side yard on each side of every building except as above provided for accessory buildings. The minimum width of any side yard and the least sum of the widths of both side yards shall be as follows:

Number of Stories	Least Widths of Side Yard	Least Sum of Widths of Both Side Yards
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1 and 1 ½	Five (5) feet	Fourteen (14) feet
2 and 2 ½	Six (6) feet	Fifteen (15) feet
3	Eight (8) feet	Twenty (20) feet.

17.16.070-090 Setback~~s~~ line.

~~A. No building shall be erected, reconstructed, or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the buildings fronting on the same side of the street within the block on September 6, 1966. No building shall be erected, reconstructed, or altered to project in any manner beyond the property line.~~

Front yards

- ~~B. No new building shall be erected with its street wall or walls nearer than twenty-five (25) feet to the front property line. Where no building exists on the same side of the street within the block, no new building shall be erected with its street wall or walls nearer than twenty five (25) feet to the street line.~~
- C. Steps and/or ramps, uncovered porches and covered but unenclosed porches on the first story, which do not extend more than ten (10) feet beyond the front wall of the building, are exempt from the foregoing provisions.
- ~~D. The foregoing setback line provisions apply only to along the front lot line.~~

Rear yards.

~~There shall be a rear yard on every lot, which rear yard shall have a minimum depth of twenty-four (24) feet for a one story building, thirty (30) feet for a two story building and thirty-six (36) feet for a three story building.~~

17.16.060 17.16.100 Side yards.

~~There shall be a side yard on each side of every building except as above provided for accessory buildings. The minimum width of any side yard and the least sum of the widths of both side yards shall be as follows:~~

<u>Number of Stories</u>	<u>Height</u>	<u>Least Widths of Side Yard</u>	<u>Least Sum of Widths of Both Side Yards</u>
1 and 1 ½	Sixteen (16) feet	Five (5) feet	Fourteen (14) feet
2 and 2 ½	Twenty-eight (28) feet	Six (6) feet	Fifteen (15) feet
3	Thirty-six (36) feet	Eight (8) feet	Twenty (20) feet.
45 feet in height		Fifteen (15) feet each side	N/A

17.16.050 17.16.110 Corner lot.

~~In the case of a corner lot, the minimum side setback on the side street shall be fifteen (15) feet. In the case of a corner lot, no wall of any accessory building shall be nearer to a side street than the side line of the main building, and it shall also be as far from the side street line as the setback line fixed by this chapter for buildings on the side street lots or as near thereto as the width of the lot will permit, provided that it can be not less than fifteen (15) feet from side line.~~

17.16.080 Lot area.

~~The minimum lot area requirements shall be as follows:~~

Single family dwelling	5,000 square feet
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Two-family dwelling	6,000 square feet
Three-family dwelling	7,500 square feet
Four-family dwelling	10,000 square feet

17.16.120 - Parking

Parking shall be provided on site at a ratio of 2 spaces for each unit plus 1 guest space for each three (3) units

17.16.090-130 Vacant lots.

~~Vacant lots shall be maintained and kept free of weeds. These shall be kept free of debris, rubbish, or garbage at all times. Special Certain~~ uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

17.16.100-140 Construction.

~~All construction shall be in accordance with the City's adopted Building Code. All construction shall be of a standard approved by the building inspector.~~

17.16.110 Signs.

- ~~A. Signs pertaining to the lease, sale, or use of a lot or building may be placed thereon; provided, that the total area of all such signs does not exceed eight square feet; provided, further, that on a lot or dwelling and pertaining to the use thereof or bearing the name or occupation of an occupant shall not exceed one square foot for each family housed. A sign or building board not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution, for the purpose of displaying the name and activities or services therein provided. Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.~~
- ~~B. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Any such signs may not be placed on the property so as to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three days after the election to which the sign relates.~~

(Ord. 1594 § 114, 2002; Ord. 1359, 1987)

Chapter 17.17 - RESIDENCE A-2 DISTRICT

Sections:

17.17 010 – Purpose & Intent

Residential A-2 is characterized by single-family detached dwellings, but with reduced setbacks from those in Residential A. It tends to be more suburban in design....

17.17.020 - Uses.

Within any Residence A-2 District, no building, structure, or premises shall be used or arranged or designed to be used, except for the following::

Primary Uses

- A. A detached dwelling for only one family or for one housekeeping unit;
- B. A detached dwelling for two families or for two housekeeping units;
- C. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two in any one-family dwelling or does not exceed four in any two-family dwelling;
- D. Churches and other places of worship;
- E. Community centers , except those in which a chief activity is a gainful service or activity usually conducted as a business;
- F. Truck gardens or nurseries;
- G. Educational or religious institutions.;
- I. Municipal playgrounds and parks;

Accessory Uses

Accessory uses customarily incidental to any of the above permitted uses, but not including the conduct of a business or industry or any driveway or walk giving access thereto:

- A. A private garage on the same lot with or within the building to which it is accessory and in which garage no business or industry is conducted. Garage space may be provided for two motor vehicles on any lot and may be provided for one additional motor vehicle for each two thousand five hundred (2,500) square feet of lot area by which such lot area exceeds five thousand (5,000) square feet. Only one commercial vehicle may be stored on any lot.
- B. No part of any such garage shall be used for residence purposes.
- C. Garages, or carports, must be set back (recessed) a minimum of ten (10) feet from the frontmost face of the house.
- D. Where alleys are present, alleys must be used as vehicular access to the lot.
- E. Home Occupations:

Customary home occupations are defined as those carried out in the residence of the occupant but which do not generate traffic to or from the residence; nor do does it invite on-site customers or direct sales. Home occupations may not consume more than one-

half (1/2) of the floor area of one story; provided further, that no person is employed in said occupation other than a member of the immediate family residing in the home. No sign shall be used to advertise such occupation except as is provided in this section.

F. Signs Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.

1. There shall be no electronic signs.

2. Any illuminated signs must be downward directional.

3. Signs pertaining to the lease or sale, or use of a lot or building may be placed on the property; provided that the total area of all such signs does not exceed six (6) square feet.

4. Signs bearing the name or occupation of an occupant, shall not exceed one (1) square foot for each family housed.

5. Signs not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.

6. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Any such signs may not be placed on the property so as to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.

17.17.030 - Lot area.

The minimum lot size shall be six thousand (6,000) square feet for each dwelling.

17.17.040 - Setbacks.

No building shall be erected, reconstructed, or altered so as to project in any manner beyond the property line.

Front Yard

A. No new building shall be erected with its street wall or walls nearer than fifteen (15) feet to the front property line.

B. Steps and/or ramps extending beyond the front wall of the building are exempt from the above provision.

Rear yard

There shall be a rear yard on every lot, with a minimum depth of twenty-four (24) feet.

Side yard

There shall be a side yard on each side of every building except as provided for accessory buildings. The minimum side setback shall be seven (7) feet and the least sum of the widths of both side yards shall be sixteen (16) feet.

Corner lot

In the case of a corner lot, the minimum side setback on the side street shall be fifteen (15) feet.

17.17.050 - Building Footprint

Each single-family residence shall have a minimum footprint of not less than seven hundred (700) square feet. Each unit of a two-family dwelling shall have a minimum footprint of not less than five hundred fifty (550) square feet including one bedroom, and another one hundred (100) square feet per each additional bedroom.

17.17.060 - Height.

No building shall exceed twenty-four (24) feet in height.

17.12.070 - Accessory buildings.

- A. Accessory buildings not more than fifteen (15) feet high may be located in the rear yard; provided such buildings occupy not more than twenty-five percent (25%) of the rear yard area; provided, further, such accessory buildings come not nearer than three (3) feet to any lot line.
- B. On corner lots, no wall of an accessory building shall be nearer to a side street property line than the side wall of the main building.
- C. Industrial storage (freight containers) are not permitted.

17.17.080 - Vacant lots.

Vacant lots shall be maintained and kept free of weeds. Certain uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

17.17.090 - Construction.

All construction shall be in accordance with the City's adopted Building Code.

17.17.100 – Outdoor Features, Storage and Temporary Storage (see Definitions)

- A. Non-permanent parking structures may not be erected in the front yard without a permit for a set period of time, not to exceed 12 months while a permanent structure is being constructed.
- B. Propane Tanks are not permitted in front yards
- C. Recreational Fires: Must only be located in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in accordance with manufacturer's instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces).
- D. No Class A or C or 5th wheel recreational vehicles, or campers greater than sixteen (16) feet are allowed to be parked on the property

Chapter 17.17 - RESIDENCE A-2 DISTRICT

Sections:

17.17 – Purpose & Intent

Residential CA-2 is characterized by single-family detached dwellings, but with reduced setbacks from those in Residential A. It tends to be more suburban in design...

17.17.010 - Uses.

Within any Residence CA-2 District, no building, structure, or premises shall be used or arranged or designed to be used, except for ~~one or more of~~ the following uses:

Primary Uses

- A. A detached dwelling for only one family or for one housekeeping unit;
- B. A detached dwelling for two families or for two housekeeping units;
- C. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two in any one-family dwelling or does not exceed four in any two-family dwelling;
- D. Churches and other places of worship;
- E. ~~Clubs, lodges, social and c~~Community centers buildings, except those in which a chief activity is a gainful service or activity usually conducted as a business;
- F. Truck ~~gardens, gardens or~~ nurseries, ~~noncommercial greenhouses~~;
- G. ~~Institutions of an e~~Educational or, religious, ~~or philanthropic character~~ institutions, ~~other than correctional institutions~~;
- ~~H.—Repealed.~~
- I. Municipal ~~recreation buildings~~, playgrounds and parks;
- ~~J.—All residence construction shall be of a standard approved by the building inspector;~~
- ~~K.—Each single-family residence or other main building shall have a total area, under roof, of not less than seven hundred (700) square feet, twenty percent (20%) of which may be on a second floor above ground. Each multiple family dwelling shall have an area of not less than five hundred fifty (550) square feet including first bedroom and one hundred (100) square feet additional for each additional bedroom for each family, which may be distributed on two floors above ground; and~~

Accessory Uses

~~L.—~~Accessory uses customarily incidental al to any of the above permitted uses, but not including the conduct of a business or industry or any driveway or walk giving access thereto:

- ~~1A.-~~—A private garage on the same lot with or within the building to which it is accessory and in which garage no business or industry is conducted. Garage space may be provided for two motor vehicles on any lot and may be provided for one additional motor vehicle for each two thousand five hundred (2,500) square feet of lot area by which such lot area

exceeds five thousand (5,000) square feet. Only one commercial vehicle may be stored on any lot.

- B. No part of any such garage shall be used for residence purposes.
- C. Garages, or carports, must be set back (recessed) a minimum of ten (10) feet from the frontmost face of the house.
- D. Where alleys are present, alleys must be used as vehicular access to the lot.

~~2.— Repealed.~~

~~3E.- Home Occupations:~~

~~Customary home occupations are defined as those carried out in the residence of the occupant but which do not generate traffic to or from the residence; nor do does it invite on-site customers or direct sales. Home occupations may not consume more than one-half (1/2) of the floor area of one story; provided further, that no person is employed in said occupation other than a member of the immediate family residing in the home. No sign shall be used to advertise such occupation except as is provided in this section.~~

~~F. Signs Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.~~

~~1. There shall be no electronic signs.~~

~~2. Any illuminated signs must be downward directional.~~

~~3. Signs pertaining to the lease or, sale, or use of a lot or building may be placed on the property thereon; provided that the total area of all such signs does not exceed eightsix (6) square feet. ; ~~provided, further, that on a lot or dwelling and pertaining to the use thereof~~~~

~~4. Signs bearing the name or occupation of an occupant, shall not exceed one (1) square foot for each family housed.~~

~~5. Signs ~~A sign or building board~~ not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.~~

~~6. Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Any such signs may not be placed on the property so as to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.~~

~~4.— Customary home occupations carried on in the residence of the occupant and not in any accessory building provided that not more than one-half of the floor area of one story is devoted to such uses; provided further, that no person is employed in said occupation other than a member of the immediate family residing in the home. No signboard shall be used to advertise such occupation except as is provided in Subsection L of this section.~~

17.17.080 - Lot area.

The minimum lot size shall be six thousand (6,000) square feet for each dwelling.

17.12.020 – Height.

No building shall exceed thirty-five (35) feet or two and one-half stories in height. Churches, schools, or any other public building permitted to be constructed in a Residence A District may be built to a height of seventy (70) feet or six stories; provided any such building sets back from every street and lot line one foot for each foot of height of the building in excess of forty-five (45) feet.

17.17.030 - Rear yardsSetbacks.

No building shall be erected, reconstructed, or altered so as to project in any manner beyond the property line.

Front Yard

- A. No new building shall be erected with its street wall or walls nearer than fifteen (15) feet to the front property line.
- B. Steps and/or ramps extending beyond the front wall of the building are exempt from the above provision.

Rear yard

There shall be a rear yard on every lot, ~~which rear yard shall have~~with a minimum depth of twenty-four (24) feet.

Side yard

There shall be a side yard on each side of every building except as provided for accessory buildings. The minimum side setback shall be eight-seven (87) feet and the least sum of the widths of both side yards shall be sixteen (16) feet.

Corner lot

In the case of a corner lot, the minimum side setback on the side street shall be fifteen (15) feet.

17.17. ____ - Building Footprint

Each single-family residence shall have a minimum footprint of not less than seven hundred (700) square feet. Each unit of a two-family dwelling shall have a minimum footprint of not less than five hundred fifty (550) square feet including one bedroom, and another one hundred (100) square feet per each additional bedroom.

17.17.020 - Height.

No building shall exceed twenty-four (24) feet in height.

17.12.040 - Accessory buildings.

- A. Accessory buildings not ~~over more than~~ fifteen (15) feet high may be located in the rear yard; provided such buildings occupy not more than twenty-five percent (25%) of the rear yard area; provided, further, such accessory buildings come not nearer than three (3) feet to any lot line.
- B. On corner lots, no wall of an accessory building shall be nearer to a side street property line than the side wall of the main building.
- C. Industrial storage (freight containers) are not permitted.

~~17.12.050 – Corner lot.~~

~~In the case of a corner lot, no wall of an accessory building shall be nearer to a side street line than the side line of the main building and it shall also be as far from the side street line as the setback line fixed by this chapter for building on the side street lots or as near thereto as the width of the lot permits, provided that it can be not less than fifteen (15) feet from the side line.~~

~~17.12.060 – Side yards.~~

~~There shall be a side yard on each side of every building except as heretofore provided for accessory buildings. The minimum width of any side yard shall be seven feet and the least sum of the widths of both side yards shall be sixteen (16) feet.~~

~~17.12.070 – Setback line.~~

- A. ~~No building shall be erected, reconstructed, or altered so as to project in any manner beyond a line which is distant from the street line, the average distance therefrom of the buildings fronting on the same side of the street within the block on September 6, 1966.~~
- B. ~~Where no buildings exist fronting on the same side of the street within the block, no new building shall be erected with its street wall or walls nearer than twenty five (25) feet to the front property line being inside sidewalk.~~
- C. ~~Steps extending beyond the front wall of the building are exempt from the foregoing provisions.~~
- D. ~~The foregoing setback line provisions shall apply only along the front lot line.~~

~~17.12.080 – Lot area.~~

~~The minimum requirements shall be six thousand (6,000) square feet of lot area for each dwelling.~~

17.17.090 - Vacant lots.

Vacant lots shall be maintained and kept free of weeds. Certain uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

~~These shall be used for lawns, gardens, tennis courts, playgrounds and other recreational facilities only and shall be kept free of all rubbish or garbage at all times; provided, that other uses of vacant lots may be permitted by written authority of the building inspector, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.~~

17.17.100 - Construction.

All construction shall be in accordance with the City's adopted Building Code.

~~All residence construction shall be of an approved standard with properly sized timber in the frames spaced for strength and all siding materials of brick, stone, terra cotta, or other masonry shall be of an accepted standard and all wood or composition sidings shall also meet the requirements of accepted standards and in no case shall slabs, tar paper, scrap tin, or other such unsightly materials be accepted for outside finish on any residence or building of any type in any residence or business district.~~

17.17.XXX – Outdoor Features, Storage and Temporary Storage (see Definitions)

- A. Non-permanent parking structures may not be erected in the front yard without a permit for a set period of time, not to exceed 12 months while a permanent structure is being constructed.
- B. Propane Tanks are not permitted in front yards
- C. Recreational Fires: Must only be located in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in accordance with manufacturer's instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces).
- D. No Class A or C or 5th wheel recreational vehicles, or campers greater than sixteen (16) feet are allowed to be parked on the property