



Planning & Zoning Public Hearing Meeting

Thursday, December 4, 2025 @ 6:00 PM

Location: DALTON GARDENS CITY HALL,
6360 N 4th St., Dalton Gardens, ID

The meeting will be conducted in person and with online access using ZOOM:
<https://us02web.zoom.us/j/81066369980?pwd=UHvISuAUiNK1iLIHlozLbe63RT4Bp1.1>

Number: 1-669-900-6833 or 1-346-248-7799 or 1-253-215-8782

Webinar ID 810 6636 9980; Passcode: 580284

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF NOVEMBER 6, 2025, COMMISSION MEETING MINUTES-**ACTION ITEM**
4. PUBLIC COMMENT(S)-Each speaker will be allowed a maximum of three (3) minutes to address the Planning & Zoning Commission on matters relating to City of Dalton Garden government business. Comments related to public hearings should be held for that public hearing. Please address comments to the Commission only and not the audience. Be advised that the Planning & Zoning Commission can only take official action this evening for those items already listed on the agenda.
5. COMMISSION COMMENTS
6. CITY PLANNER REPORT
7. PUBLIC HEARING FOR SU-25-2 AT 5624 N GOVERNMENT WAY-**WITHDRAWN BY APPLICANT – NO ACTION WILL BE TAKEN**
8. PUBLIC HEARING FOR SU-25-4 AT 5736 N 15 STREET-**ACTION ITEM**
9. CONSIDERATION OF HOLDING A WORKSHOP WITH CITY COUNCIL REGARDING FENCE ORDINANCE 290- **ACTION ITEM**
- 10.DISCUSSION OF UPDATING SPECIAL USE ORDINANCE
- 11.AGENDA ITEMS FOR NEXT COMMISSION MEETING
- 12.ADJOURN- **ACTION ITEM**

Original Posting: November 26, 2025

The purpose of the Agenda is to assist the Commission and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Commission on any other subject should plan to speak when Item: Public Comments is identified by the Chairman. The Chairman and Commission will not normally allow audience participation at any other time. Please no repetitive or abusive comments. Workshops are for Commission Members discussion only on a topic, no action or decisions occur at this time. No Public Comment is taken during Workshops. Assistance for persons with disabilities will be provided upon 24-hour notice prior to the meeting by calling, City Clerk at (208) 772-3698 x102.

DALTON GARDENS P&Z REGULAR MEETING MINUTES

Thursday, November 6, 2025

1. **Call to Order:** Chairman Becker called the meeting to order at 6:00 p.m.
2. **Roll Call**

Present: Chairman Mike Becker, Commissioner Chad Haunschild, Melissa Cleveland, Ron Sampert & Caitlin O'Brien

Absent: None

Commission Staff Present: City Clerk Sandy McFarland & City Planner Jill Ainsworth joined via zoom
3. **Approval of Minutes (Action Item)**

Moved by **Haunschild** and seconded by **Cleveland** to approve the Meeting Minutes as presented.

Result: Passed

AYES: Haunschild, Cleveland, Sampert & O'Brien

NAYS: None

ABSTAIN: Becker

RECUSE: None
4. **Public Comment**

Kathy against SU-25-2
Linda Cross against SU-25-2
5. **Commission Comments**

None
6. **City Planner Report**

Jill Ainsworth provided an update to the Commission on her report, noting that she recently met with Ben Tarbutton, Plan Manager from Kootenai County Community Development. She also reported on current special use permits, upcoming requests scheduled for the December 2025 Planning & Zoning meeting, ongoing code enforcement activities, and SU-25-1 (Haining property). Mr. Haining intends to combine both of his lots.
7. **Public Hearing For SU-25-2 at 5624 N Government Way**

SU-25-2 was addressed at the beginning of the P&Z meeting. For consistency with the published agenda, the minutes reflect this item in its original sequence. Chairman Becker requested that the hearing be deferred to the December 4, 2025, meeting to allow the Commission additional time to review the materials. The Commission also requested that the City Planner and City Attorney attend that meeting.

Moved by **Sampert** and seconded by **O'Brien** to table SU-25-2 until December 4, 2025, meeting.

Result: Passed

AYES: Haunschild, Sampert, O'Brien & Becker

NAYS: Cleveland

ABSTAIN: None

RECUSE: None

8. Public Hearing for SU-25-3 at 6280 N Government Way

Public Hearing Opened at 6:28 p.m. & Closed Public Hearing at 6:35 p.m.

The Planner presented SU-25-3 to the Commission and read her facts and findings report. A brief discussion followed.

Moved by **Cleveland** and seconded by **Haunschild** to approve SU-25-3. Based on the Findings of Facts and Conclusion of Law set forth in the document, The Planning Commission **APPROVES WITH CONDITIONS** Special Use permit SU-25-3 to locate automotive repair shops on the parcel D140036303AA located in the Commercial zone and addressed as 6280 N. Government Way, Dalton Gardens, Idaho.

6.01 The applicant shall require that all tenants' commercial business licenses be maintained in a current status each year. Per 3-1-10, prior to a change of use on a property or a structure, the property owner, business owner, or representative shall notify the city at least ten (10) days prior to the proposed change and provide the city adequate information to determine compliance of applicable codes. Adequate information will include, but is not limited to, a detailed description of the new use. A review by the city shall be conducted prior to the change of use for review of applicable codes to determine compliance. If the use complies with the municipal codes, the city shall provide a notice of compliance that accompanies the business license.

6.02 The applicant shall comply with any and all requirements of the Panhandle Health District for critical material management on the site relative to automotive repair uses.

Result: Passed

AYES: Haunschild, Cleveland, Sampert, O'Brien & Becker

NAYS: None

ABSTAIN: None

RECUSE: None

9. Consideration of P&Z 2026 Meeting schedule

Moved by **Haunschild** and seconded by **Cleveland** to approve the 2026 Planning & Zoning meeting schedule, with the July meeting date changed to July 9, 2026.

Result: Passed

AYES: Haunschild, Cleveland, Sampert, O'Brien & Becker

NAYS: None

ABSTAIN: None

RECUSE: None

10. Agenda Items for Next Commission Meeting

SU-25-2 Public Hearing

Variance Public Hearing

SU-25-4 Public Hearing

11. Adjournment

Moved by **O'Brien** and seconded by **Haunschild** to adjourn.

Result: Passed

AYES: Haunschild, Cleveland, Sampert, O'Brien & Becker

NAYS: None

ABSTAIN: None

RECUSE: None

The Commissioner adjourned the meeting at 7:18 p.m.

Passed this on ____ day of December.

Mike Becker, Chairman

ATTEST:

Sandy McFarland, City Clerk



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens,
ID 83815 Phone: (208) 772-3698 Fax:
(208) 772-3698

Monthly Planning/Code Compliance Report Oct. 28, 2025 – Nov. 25, 2025

For December 10, 2025, City Council Meeting

Although I was on vacation from November 1st through November 18th, I did work on priority items, answered emails and phone calls as I was available, and addressed permits in OpenGov to keep things moving along.

Area of Impact

The public hearings in November that were scheduled for the AOI by Kootenai County have been cancelled due to a “procedural defect” per Dave Callahan, Community Development Director for Kootenai County. See below.

Hi everyone,

Since the AOI hearings scheduled for November 13, 2025, have unraveled and we are now essentially in the position of starting over, I thought it best to provide all of you with the same information at the same time.

Concerning the Area of Impact Text

The text of the AOIs should include reference to only Kootenai County Code requirements, and should not include references to any city requirements. I say this because it has recently become very clear to me that the Board of County Commissioners (BOCC) is taking the language of 67-6526 (1) (a) very literally, especially where it reads, “*While cities should receive notice of, and may provide input on, applications brought to the county in an area of impact, cities do not govern or control decisions on those applications. County commissioners make the final determination regarding area of impact boundaries with their county.*”

Concerning the Maps

In accord with 67-6526 (4) (b), AOI maps “*shall not exceed the areas that are very likely to be annexed to the city within the next five years. Except as otherwise provided in this paragraph, and area of impact shall not extend more than two miles from existing city limits.*” Please note, the BOCC is reading this language to mean that your proposed annexation areas should be grounded in objective evidence such as:

1. Annual annexation history (5 to 10 years)
2. Pending development applications
3. Existing or near-term utility commitments
 - a. Water and sewer service area maps
 - b. Capacity reports
 - c. CIP projects scheduled within five years
4. Transportation and capital improvement plans
 - a. Showing road projects, signalization, or multimodal upgrades in or adjacent to the AOI
5. Internal Adopted policy documents.

Notification

During the November 13, 2025, hearing we became aware of a procedural defect in our notice of the hearing. Specifically, Idaho statute 67-6526 (2) (a) requires written notice of the hearing be provided by the county to **each owner of property located within the area of impact**. I am very sorry, I was completely unaware of this requirement. If my staff had known, then of course we would have noticed accordingly. In any event, this is another reason why the maps need to be exactly precise; we will need to notice all property owners within your proposed map area. Additionally, please note that 67-6526 (2) (a) states that the cost of this notice must be reimbursed to the county by the city. I know funds for some cities are short, so I will ask the BOCC if they are willing to absorb this cost for some of you.

Additionally, we have determined that AOI amendments are text amendments to the Land Use and Development Code, meaning that we will need to provide a written report as required by 8.1.401 of the Land Use and Development Code (LUDC), as well as provide a 28-day newspaper notice, which is required by the LUDC for any text amendment. Consequently, our notice will exceed the 15 day notice required by Idaho Code 67-6526 (2) (a).

Finally, please note that upon learning that 67-6526 (2) (a) allows the BOCC to establish an AOI without a recommendation from the planning and zoning commission, the BOCC determined at the November 13, hearing that they will forgo the review by the commission, so this will shorten the review process by at least a month from what it would otherwise be.

Until we know the boundaries of your proposed map, it's a bit premature to suggest hearing dates, but given the holidays I'm thinking we will likely be considering late January or February hearing dates at the earliest.

If you have any questions, please feel free to contact me or Deputy Operations Director Craig Davidson directly.

The city attorney for Post Falls, Field Herrington, responded to Mr. Callahan's above email, and said response is attached to this report; as the response from Kootenai County to Mr. Herrington's email. Based upon emails it appears that the county will be out of compliance with the AOI time requirements found within Idaho Code by up to 90 days. The city will have to relook at their submittal to address the County's comments as well.

Code amendments

The Planning Commission has requested a workshop with the City Council to discuss the Council's thoughts on the revisions to the Fence Ordinance. At time of writing, that date has not been set.

Variances / Special Use Permits (SUP)

SU-25-2 was submitted by Lake City Massage on Oct 2nd. It would appear that the massage parlor is an adult entertainment service and/or entertainment as defined by Section 5-13-14, "Appendix 1 Activity Groups" and will require a special use permit to continue at that location. Staff has been working with Emily, the daughter of the business owner and the only one fluent in English to assist her in the SUP process. The Special Use Permit public hearing was scheduled before the Planning Commission on November 6th at 6 PM. At that public hearing, the matter was rescheduled to December 4th. On November 25, 2025, staff received an email from Emily of Lake City Massage saying that they wish to withdraw their application for a special use permit and withdraw their pending commercial business license application. They were advised they cannot operate without BOTH of those approvals. Emily indicated in a follow-up email that they will be vacating the property at 5624 N Government Way, Suite 3, Dalton Gardens. Staff requested their exit timeline and advised via email of the violation consequences.

Subdivisions

-No update on the Bart North/Schrieber subdivision.

Lot Line Adjustments

Was contacted by Bill Krick, 6960 N 4th Street who indicated his neighbor is requesting a lot line adjustment due to encroaching buildings. According to Mr. Krick, the McCorkle's and the Kiefer's lot line adjustment for the properties located at 6928 N 4th Street and 6904 N 4th Street is moving forward, as is his. He emailed a copy of the survey for the three neighboring properties and the respective encroachments of each property. He will be moving forward through the OpenGov process for a lot line adjustment. Mr. Kiefer has contacted staff to assist in the LLA process. It is expected that an application will be forthcoming soon.

Predevelopment Conferences

None.

Permits

According to OpenGov, between October 28th and November 25, 2025, twenty-seven (27) new records have been created, fifty-four (54) inspections completed, and twenty-eight (28) permits have been issued. A total of \$ 5,012.80 in fees have been collected, which is \$ 2,322.70 less than the same period in 2024, despite during that time period only 18 new records were created, and only one more permit was issued. A snapshot of the permits is below.

October 28th through November 25th, 2025

Permit Type	New	Inspections	Issued	Revenue Collected
Commercial Business License	5	4	4	\$250.00
Home Business License	0	0	0	0
Alcohol License	0	0	0	0
Mechanical	7	8	9	\$2,185.00
Building Permit	0	37	2	\$992.80
Roof	1	3	1	\$200.00
Special Use Permit/Variance	1	n/a	n/a	\$220.00
Right of Way- Driveway	0	0	0	0
Right of Way Utilities	5	0	9	0
Predevelopment App	0	0	0	0
Sign Permit	1	0	2	\$200.00
Site Disturbance	0	0	0	0
Facility Requests	2	0	0	0
Short Plat	0	0	0	0
Approach Permit	2	0	1	\$965.00
Demolition Permit	0	0	0	\$0

Code Enforcement:

CE-23-3 – Tow truck business in commercial zone is not a permitted use. Updated file that the use had left the location, based on an Oct 30, 2025, inspection. Closed the file.

CE-25- 37 Site disturbance work without a permit. Responded to phone calls, texts of complaint about work being done on the portion of Erickson Drive located within city limits. Potential violation of Chapter 3, Section 4-3-5 , Chapter 5, Section 4-5-5, Applicability; and 4-5-8, Standards.

Visited site 10/30/25 to determine if complaint was valid. Matter confirmed. Spoke with city attorney to determine appropriate approach for enforcement. Sent a letter of Voluntary Compliance Request on November 3, 2025, to Carlson Family Trust. Response to letter received 11/10/25 from Scott Poorman requesting information. Responded to email on 11/11/25. Consulted with city attorney again on process. NOTE: OpenGov gave the same CE case number for two different cases at two different locations.

CE-25-37, 6440 N 15th Street. Inspection completed on Oct 28th. Red Ford Taurus on the property at the first RV. Photos taken. Reached out to City Deputy for look-up; left message. Request for Voluntary Compliance was sent; next step is Notice of Violation.

CE-25-24, 5621 N Valley Street; updated file. There is history of this as a previous complaint, which identified there was indeed finished space, but not elements of an independent living unit. Updated file with findings on Oct 27th.

CE-25-26, 6975 N Davenport St; storage container. Reached out to property owner to determine status of their appeal of the violation on Oct. 27th through OpenGov. No response to date.

CE-25-25, Mike Terry, 7887 N 4th Street, storage container. Met and discussed setback requirements.

Planning Commission

The Planning Commission met on November 6th @ 6 PM to hear to special use permits, SU-25-3 Mark Huender and SU-25-2, Lake City Massage. The Planning & Zoning Commission Chairman, Mike Becker along with the rest of the Commission decided to move SU-25-2, Lake City Massage to the December 4th meeting agenda to allow the Commission time to digest the information a bit more before hearing the request. No additional hearing notice was necessary since the matter was continued to a date certain at the public meeting.

SU-25-3, Mark Huender's application for an automotive repair use in the Commercial zone, specifically located at 6280 N Government Way owned by Wimlie, LLC was heard at a public hearing at the November meeting. The request was approved with conditions. The Order of Decision was prepared by staff and available for signature on November 10th; and was signed by Chair Becker on November 19th. The related pending Commercial Business License and sign permit were subsequently approved.

The next Planning and Zoning Commission meeting is on December 4th at 6 PM. On the agenda is SU-25-2, Lake City Massage (withdrawn), and SU-25-4, a variance request from Brent Douglas for a reduction of 5' to the 25' required front yard setback in the residential zone. The dwelling, located at 5736 N 15th Street, had been brought down to studs, remodeled and an addition added. The foundation of the structure is measured to be 25' to the front property line. The plans their design professional submitted showed the 207 square foot front porch deck addition to being 30' from the property line, but onsite measurements determined it is not. There was an existing small porch stoop approximately 5' x 8' which had been removed entirely. Code allows an existing non-conformity to remain but not be enlarged. (See code section 5-6-8, Nonconforming Use; Repairs and Alterations of Facilities and section 5-6-7, Nonconforming Use Damage or Destruction of Facilities.)

Respectfully submitted,

Gill Ainsworth

City Planner/Code Enforcement

CITY OF DALTON GARDENS
6360 N 4th Street Dalton Gardens, Idaho 83815

NOTICE OF PUBLIC HEARING

Thursday, December 4, 2025 @ 6 PM

To consider any and all testimony on a Variance Request (SU-25-4)

In accordance with Idaho Code 67-6512, the Dalton Gardens Planning and Zoning Commission will conduct a Public Hearing and take oral and written public testimony for the variance application request SU-25-4 submitted by Brent Douglas, residing at 1709 E Montana Avenue, Coeur d'Alene, Id 83814, and owner of the subject property addressed as **5736 N 15th Street, Dalton Gardens , Idaho 83814**. The applicant requests variance relief from the Residential Zone's required twenty-five (25) foot front yard setback, City Code 5-5-4.A as allowed by Title 5, Chapter 8, Variances. The subject parcel number is D-1400-31-062AB, and described as Dalton Gardens Addition Hayden Lake Irrigated Lands, N 98.76 FT-S2-TR 62 in Section 31, Township 51N, Range 3W, BM.

The public hearing will be held at the Dalton Gardens City Hall, 6360 N. 4th Street, Dalton Gardens, Idaho on December 4, 2025, at 6:00 p.m.

All interested persons are invited to appear and offer verbal or written comments. Copies of the application packet are available at City Hall during regular office hours (7:00 am to 5:00 pm, Monday through Thursday closed 1 - 2 for lunch). **Written comments should be received no later than 5PM on Monday, December 1st.** Comments can be emailed to clerk@daltongardens.com, mailed directly to Dalton Gardens City Hall at 6360 N 4th Street, Dalton Gardens, ID 83815, or delivered in person to City Hall during regular business hours of 7 AM - 1 PM and 2 PM - 5 PM, Monday through Thursday. Please reference SU-25-4 in your comments. City hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities related to these documents or to the hearing can contact the City Clerk, 772-3698 at least 48 hours prior to the public hearing.

Publish: CDA Press

Publish **WEDNESDAY NOVEMBER 19, 2025**

Attest:

Sandy McFarland
City Clerk

City of Dalton Gardens, Idaho

Variance Narrative and Findings

Applicant(s): Tara Douglas & Brent Douglas

Property Address: 5736 N 15th Street, Dalton Gardens, ID 83815

Zoning District: Residential (R-1)

Request: Variance to allow the front deck to extend approximately five (5) feet into the required 25-foot front setback under Dalton Gardens City Code.

Project Summary

The applicants are requesting a variance to allow the front deck to extend five feet beyond the 25-foot front setback line required by City Code. The deck was designed and permitted in accordance with approved building plans, which were reviewed and believed to be fully compliant at the time. Subsequent site review revealed that the property's measured frontage is slightly short of the required distance from the road and right-of-way easement, creating a minor setback deficiency. This variance request seeks to reconcile that technical inconsistency and allow the project to proceed as approved. The applicants have acted in good faith, relying on the City-approved plans. As such, thousands of dollars in materials have already been ordered, and the footings for the deck—requiring significant cost and labor—have already been poured in reliance upon those approvals. Granting this variance would recognize the good-faith reliance on City review while maintaining consistency with the property's character and the surrounding neighborhood.

1. Effect on Adjoining Property

The requested variance will not adversely affect adjoining properties. - The deck maintains a safe and visually appropriate separation from neighboring homes and the roadway. - No portion of the structure extends beyond the property boundary or interferes with driveways, sight distance, or access. - Similar front porches and decks exist within the area, consistent with Dalton Gardens' semi-rural residential pattern. - The improvement enhances curb appeal and will not diminish neighboring property values or enjoyment. **Finding:** The variance will not be materially detrimental to adjoining properties or neighborhood character.

2. Environmental Effects (Noise, Glare, Odor, Fumes, Vibration)

The proposed deck extension will have no adverse environmental effects. - Noise: Limited to normal residential use. - Glare: Any lighting will be shielded and directed downward to prevent glare onto adjacent properties or the public right-of-way. - Odor / Fumes: No exhaust-producing or industrial activity is associated with this improvement. - Vibration: Temporary and minimal during construction only. **Finding:** The variance will not create or contribute to noise, glare, odor, fumes, or vibration affecting adjoining property.

3. Compatibility with Adjacent and Surrounding Property

The deck is compatible with the existing neighborhood and maintains the visual rhythm typical of Dalton Gardens' large-lot residential setting. - The scale, materials, and colors complement the existing residence and neighboring homes. - The structure preserves the open, well-spaced appearance of the street. - The design aligns with the semi-rural and architectural character of the surrounding area. **Finding:** The proposed improvement is compatible with adjacent and surrounding property.

4. Hardship / Justification for Variance

The hardship in this case is not self-imposed but arises from unique site and historical conditions. - The home was originally constructed in 1955, well before the adoption of current zoning and setback standards. - The property's measured frontage and right-of-way configuration create a minor setback shortfall of only a few feet. - The deck was designed, permitted, and partially constructed in good-faith reliance on City-approved plans, with substantial investment already made in materials and poured concrete footings. - Strict enforcement of the setback would impose significant financial hardship and require unnecessary modification without providing any public or neighborhood benefit, as the encroachment does not impact safety, sight distance, or welfare. **Finding:** The hardship results from the age and configuration of the property and is not self-created. Denying the variance would cause undue hardship given the applicants' good-faith reliance on approved plans and substantial investment already made.

Conclusion

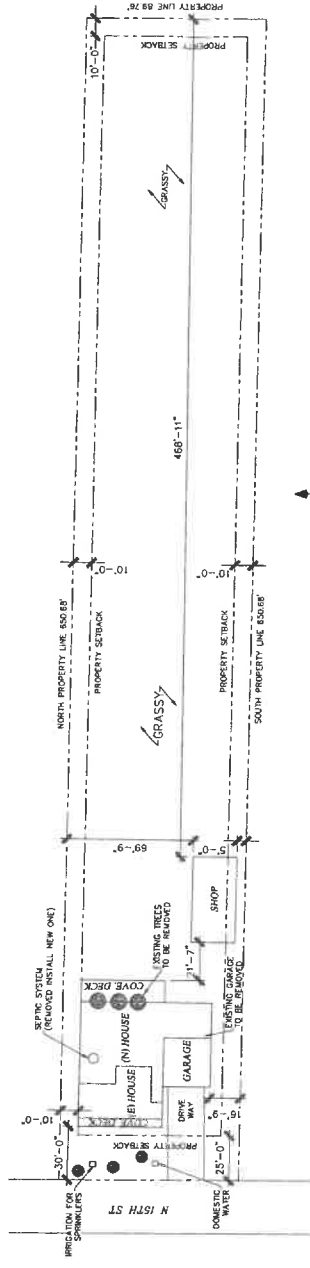
Granting this variance will uphold the intent of the Dalton Gardens Zoning Code by maintaining safe, attractive, and consistent residential development. The project: - Preserves neighborhood character and open-space feel, - Produces no negative environmental or property impacts, - Reflects good-faith reliance on City approvals, and - Corrects a minor technical setback issue rooted in historical property conditions. For these reasons, the applicants respectfully request approval of this variance to allow the front deck to extend five (5) feet into the required 25-foot front setback at 5736 N 15th Street.

Respectfully Submitted,



SITE NOTES

1. **JOB SITE:**
ALL SITE/CONSTRUCTION WORK SHALL CONFORM TO THE REQUIREMENTS OF LOCAL BUILDING DEPARTMENT JURISDICTION.
2. **SEWER SYSTEM:**
CONTRACTOR TO VERIFY CONNECTION TO EXISTING SEWER SYSTEMS. VERIFY ALL REQUIREMENTS OF BUILDING DEPARTMENTS JURISDICTION. CONTRACTOR TO PROVIDE DETAILED SHOP DRAWING FOR AGENCY REVIEW AND APPROVAL.
3. **UTILITIES:**
CALL BEFORE YOU DIG. VERIFY ALL UTILITY LOCATIONS AND DEPT. JURISDICTIONS. COORDINATE WORK WITH LOCAL UTILITY COMPANIES.
4. **SOILS AND DRAINAGE:**
CONTRACTOR TO VERIFY FINAL HEIGHT OF FLOOR FINISH. VERIFY ALL LOCAL BUILDING DEPARTMENT REQUIREMENTS. PROVIDE DRAINAGE AWAY FROM BUILDING.
5. **CIVIL/LANDSCAPE:**
REFER TO CIVIL/LANDSCAPE DRAWINGS FOR ADDITIONAL REQUIREMENTS.



SITE PLAN
SCALE 1" = 30'-0"

DEZIGNZ
DUSTIN BAZE
208-660-8397
DUSTIN@DEZIGNZ.COM

REMODEL
DOUGLAS
5736 N 15TH ST DALTON GARDENS
SITE PLAN

DESIGNED AND CHECKED BY
DUSTIN BAZE
DRAWN BY
DUSTIN BAZE
DATE
REVISED

THREE NO
SITE

**BEFORE THE PLANNING COMMISSION, CITY OF DALTON GARDENS, IDAHO
Staff Report for Variance (SU-25-4)**

**IN THE MATTER OF THE APPLICATION
OF BRENT DOUGLAS, TO REQUEST
VARIANCE RELIEF FROM THE REQUIRED
FRONT YARD SETBACK OF TWENTY-FIVE
FEET IN THE RESIDENTIAL ZONE**

**COURSE OF PROCEEDINGS,
FINDINGS OF FACT,
APPLICABLE LEGAL
STANDARDS, STAFF ANALYSIS
AND CONCLUSIONS OF LAW**

I. COURSE OF PROCEEDINGS

- 1.01 An application for a special use permit /variance requesting relief from the required 25' front yard setback shop in the residential zone was submitted by the applicant, Brent Douglas, 1709 E Montana Avenue, Coeur d'Alene, Idaho on October 21, 2025.
- 1.02 The City Clerk issued a Notice of Public Hearing for the permit application with a public hearing to be held on December 4, 2025, at 6 PM. The notice was published in the Coeur d'Alene Press on November 19, 2025. City Clerk sent a Notice of Public Hearing by certified mail on November 18, 2025, to property owners within 300'. On November 18, 2025, the site was posted with public hearing information.
- 1.03 Files and exhibits relative to this application will be available for review at the Planning Commission meeting and are available for review at the City Hall during office hours.

II. FINDINGS OF FACT

- 2.01 **Applicant/Owner.** An application was received on October 21, 2025, by Brent Douglas, 1709 E Montana Avenue, Coeur d'Alene, Id as owner of the subject property located at 5736 N 15th St, Dalton Gardens, Idaho. At the public hearing Mr. Douglas will be represented by Casy Fowler of Cedarwood Construction. (Exhibit 1, Application; Exhibit 2, Affidavit of Representation)
- 2.02 **Request.** The Applicant is requesting a variance to reduce the required twenty-five (25) foot setback for a single family dwelling in the residential zone to twenty (20) feet. The single family dwelling structure originally constructed in 1955 is being remodeled (BP-25-15). The original structure included an approximately 8 foot wide and 5 foot deep porch (40 square foot), (small concrete landing with 2 stairs) at the front of entrance which encroached within the setback. That was removed completely, potentially losing the non-conforming status of the structure. Applicant is proposing a 46' long, 4'6" wide covered deck with 2 steps at the front entrance to replace the previous porch. It will encroach within the required front

yard setback 5', proposing a 20 (twenty) foot setback instead of the required 25 (twenty-five) foot setback. (**Exhibit 3, Narrative; Exhibit 4, Photos; Exhibit 5 Site Plan**).

- 2.03 **Location / Parcel No. / Legal Description.** The subject property is addressed within the City limits of Dalton Gardens at 5736 N 15th Street, Dalton Gardens, Idaho. The parcel number is D-1400-31-062AB and is further described as of DALTON GARDENS ADD HL IRR LANDS, N 98.76 FT-S2-TR 62.



- 2.04 **Parcel size and frontage.** The parcel is 1.47 acres in size and meets the City's lot size requirements. It has approximately 99 feet of public street frontage on N 15th Street. Research at the time of building permit application revealed that the parcel was created in 1955 prior to the approval of Ordinance Number 55 (12/11/75) and therefore meets the exception to lot width requirements outlined in City Code Section 5-5-3.D.3.
- 2.05 **Zoning and Comprehensive Plan.** The property is in the Residential zoned district of the Dalton Gardens Zoning Map. City Code Title 5 Chapter 5, Section 5-5-4.A speaks to the required front yard setback of 25'.

The Comprehensive Plan future land use designation is also Residential. The Goals and Policies are as follows:

PRIVATE PROPERTY RIGHTS

GOAL 1: Ensure that ordinances and policies do not violate private property rights, adversely impact property values or create unnecessary technical limitations on land use.

POLICIES:

1. Draft and apply ordinances recognizing that private property ownership is a basic constitutional right, worthy of protection and vigilant oversight.
2. Comply with state law regarding regulatory takings.
3. Ordinances including provisions such as variances or special exceptions will be administered in a way that allows reasonable use of private lands consistent with maintenance of the public health, safety, and general welfare.

COMMUNITY DESIGN GOALS AND POLICIES

GOAL1: To preserve and maintain the community's image for future generations by sustaining rural and suburban residential tranquility.

POLICIES:

1. Encourage crops and agricultural activities on residential properties in Dalton Gardens.
2. Promote farm animals and livestock ownership in the City. Embrace agricultural organizations such as 4-H and Future Farmers of America.
3. Encourage and preserve large lots by preserving the existing density, acreage, and frontage requirements in the residential district.
4. Encourage uses that are compatible with a rural lifestyle.
5. Encourage architectural design and placement that is compatible with a rural lifestyle.
6. Require greenspace and limit lot coverage to discourage an urban appearance for residential development.
7. Encourage retention of native vegetation. Coordinate with Kootenai County Noxious Weed Department on the controlling of weeds and the enforcement of weed regulations.
8. Plan, develop, upgrade, and expand existing pedestrian paths and trails. Explore and develop innovative ways to promote a pedestrian lifestyle including, but not limited to, access to shopping and public parks in Dalton Gardens.
9. Retain a "dark sky" concept over Dalton Gardens' residential neighborhoods to ensure glare, light impacts, and light trespass are minimized.
10. Participate in the land use process of adjacent cities and develop memoranda of understanding or joint powers agreements to ensure adequate traffic mitigation.
11. Explore and implement new methods of traffic control and traffic calming.

12. Coordinate with the County and the adjoining cities to enhance the views and vistas of the surrounding mountains and of the prairie through Area of City Impact Agreements.
13. Enforce regulations in residential areas that prohibit junk yards and restrict the quantity of inoperable vehicles.
14. Enforce the standards on lot coverage and fencing to ensure that Dalton Gardens retains its open, rural characteristics.

LAND USE GOALS AND POLICIES

GOAL 1: Retain and enhance the rural residential characteristic of the City within the Residential District.

POLICIES:

1. Prohibit commercial and light industrial land uses in the residential areas with the exception of properly permitted home-based businesses.
2. Prohibit all industrial and most commercial uses in residential zones, using zoning land use standards and home-based business requirements to apply appropriate restrictions.
3. Encourage rural characteristics within the Residential District that include large parcel size and tracts of open space, encouraging agricultural pursuits and hobby farms, and promoting horse and pedestrian traffic.
4. Respect the rights of property owners with nonconforming uses or structures and work with them to manage offsite impacts and improve land use compatibility.
5. Maintain the current minimum lot size of 1 acre and public road frontage standard of 110 feet in the residential zone.

2.06 **Physical Characteristics.** The parcel is rectangular in shape, totaling 1.47 acres. The site has approximately 99' of frontage. The site was improved with an existing single family dwelling structure and a detached garage. The dwelling is being remodeled, from the foundation up, and increased in living space square footage as well as an attached garage. The foundation of the existing dwelling structure sits at the 25' required front yard setback. The 40 square foot porch, which has been removed, encroached within the setback. The remodel proposes a 4'6" x 40' long covered deck (porch area) to replace the removed 40 square foot porch. The right of way for N 15th Street is 60 feet in width, with a paved portion of approximately 22 foot wide travel surface with a paved shoulder of approximately 6 feet.

2.07 **Surrounding Uses.** All uses surrounding the subject site are residential use. The parcel to the north, 5776 N 15th Street, contains a single family dwelling which appears to be right at the 25' front yard setback at the foundation (not to include the porch area). The dwelling on the parcel directly across the street, 5751 N 15th

Street, also fails to meet the required setback, and is in fact almost at the front property line.

- 2.08 **Water Service.** The Dalton Water Association serves the property.
- 2.09 **Wastewater.** The property is not connected to sewer. Although Panhandle Health District had no comment, they did provide comment on the building permit application, BP-25-15, in which a new septic permit #25-28-09987 was issued by PHD for the site in April 2025.
- 2.10 **Access.** The subject site has existing access and approach to N 15th Street. No changes or additional access/approaches are proposed.

III. APPLICABLE LEGAL STANDARDS

- 3.01 Dalton Gardens Municipal Code Title 5 Chapter 5 - Residential District
- 3.02 Dalton Gardens Municipal Code, Title 5, Chapter 8 - Variances
- 3.03 Dalton Gardens 2019 Comprehensive Plan
- 3.03 Idaho Code Title 67 Chapter 6516 - Variances
- 3.04 Idaho Code Title 67 Chapter 6535 - Reasoned Statement of Facts

IV. REQUIRED FINDINGS TO APPROVE A VARIANCE

Dalton Gardens Municipal Code Section 5-8-4.B states that a variance may be approved if it:

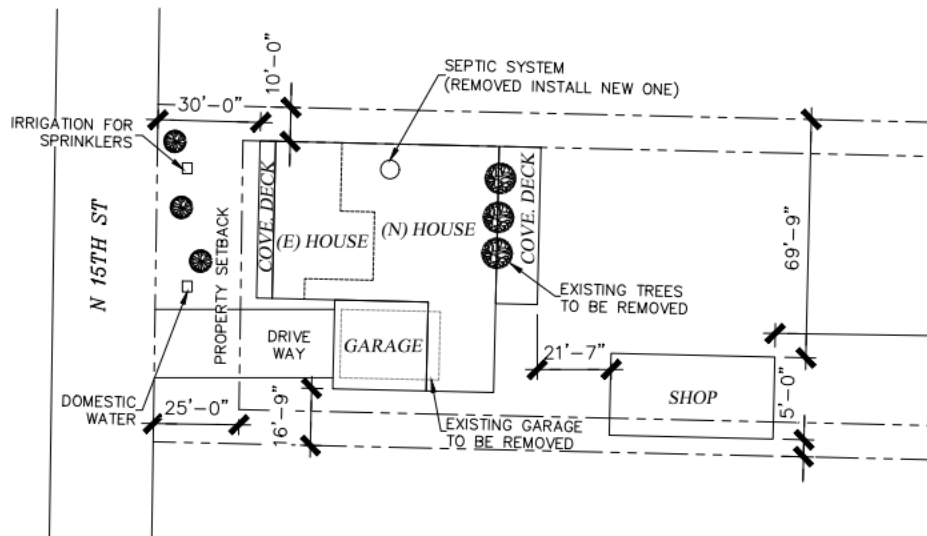
- A. That the site characteristics of the property for which the variance is requested cause undue hardship to the property owner when complying with specific provisions of this title;
- B. That reasonable uses of the property are not possible without the requested variance; and
- C. That approval of the requested variance will not be in conflict with the public interest and will not create a nuisance, harm adjoining properties, or have an adverse effect on implementation of the comprehensive plan;
- D. A variance may not be granted if it is for the property owner's convenience or financial profit alone; and
- E. The granting of a variance must grant the minimum relief from the requirements of this title necessary to allow a reasonable use of the property.

V. STAFF ANALYSIS

- The procedures outlined in the municipal code for processing a variance application request have been followed. The required notices have been sent to

surrounding property owners and published in the Coeur d'Alene Press, and the site was posted.

- The applicant submitted an application for a demolition of the detached garage on Feb 19, 2025, which was approved. The permit was finalized on March 5, 2025, by Kootenai County Fire and Rescue. (BP-25-5)
- The applicant submitted a building permit for a remodel on March 31, 2025. Initial planning review revealed that the applicant was seeking an accessory living unit within the dwelling, and was subsequently told that it was not permitted, and the plans were revised and resubmitted for review.
- The site plan submitted with the building permit application indicated that the required front yard setback was exceeded by five feet, proposing a setback of 30' where 25' was required. Based upon that information, and confirmation that the parcel's creation predated the lot width requirements of Ordinance #52, (approved in December 1975,) providing for an exemption based upon City Code Section 5-5-3, as the staff planner, I approved the proposed application.



- On September 30th, in a normal course of business, while traveling through Dalton, I stopped at this job site, and it did not appear to me that the building was at the referenced setback per the submitted site plan prepared Dustin Blaze with Dezigz. I posted a stop work, not knowing when the construction on the front of the house would begin. The contracted builder, Casey Fowler contacted me shortly

thereafter. We discussed the matter and agreed that he would provide a measurement on the ground based upon the survey and the pin located at the rear of the property. We met on the site the next day, and it was confirmed that the site plan prepared and submitted was inaccurate, and the front yard setback was actually 25' to the foundation of the existing structure, and would no way be 30' from the proposed front covered deck. We discussed alternatives that would in compliance, to include a variance request.

- After discussion with both the contractor as well as the property owner, they made the decision to apply for a variance. The standards for a variance were discussed and referenced.

VI. STAFF RECOMMENDED CONDITIONS OF APPROVAL

- 6.01 The front yard setback variance shall be limited to 20' from the front property line, which is also the eastern edge of the N 15th Street right of way.
- 6.02 Reserved for Planning Commission, if needed.

VII. FINDINGS AND CONCLUSIONS

The commission's decision shall include any conditions that should be attached to the approval of the application, including conditions designed to mitigate the impact of the variance.

The commission's decision shall be in writing and:

- 7.01 Shall include its specific findings of fact, based on the evidence presented to it, that support its decision as to whether the requirements for granting a variance have been satisfied;
- 7.02. Shall, based on its findings, approve or deny the requested variance application;
- 7.03 Shall be issued within sixty (60) days of the closing of its hearing on the matter; and
- 7.04 May include conditions upon its approval of the variance application, including conditions designed to mitigate the impact of the granted variance. Violation of such conditions shall be deemed a violation of this title.

VIII. DECISION BY THE COMMISSION

Based on the Findings of Fact and Conclusions of Law set forth in this document, the Planning Commission APPROVES / APPROVES WITH CONDITIONS / DENIES the application for a five foot variance to the required twenty-five foot front yard setback in the Residential zone for the parcel addressed as 5736 N 15th Street, Dalton Gardens, and further identified as parcel number D140031062AB.

IF DENIED:

Per Dalton Gardens City Code (DGCC 5-8-5.K), Appeals of the commission decision shall be forwarded to the city council for public hearing and determination in accordance with Section 1-11-1, where the decision after a proper appeal shall then be the final decision of the City.

Respectfully submitted,

Jill Ainsworth
City Planner



Record No: SU-25-4

Special Use and Variance
Application

Status: Active

Submitted On: 10/21/2025

Primary Location

5736 N 15TH ST
DALTON GARDENS, ID 83815

Owner

DOUGLAS, BRENT & TARA
5736 N 15TH ST DALTON
GARDENS, ID 83815

Applicant

 Brent Douglas


 



STEPS TO COMPLETE YOUR VARIANCE/SPECIAL USE PROJECT

- 1) If necessary for your project schedule a pre-application conference with the City Planner by emailing planner@daltongardens.com. At the meeting, the process will be fully explained. Ask questions and make sure you completely understand the timeline and the requirements needed to complete your application. This meeting may be in person or over the phone depending upon the project.
- 2) Read the applicable City Code carefully. (<http://www.daltongardens.com>) You bear the burden of proof to “pitch” your project to the City.
- 3) If someone will be speaking on your behalf at the public hearing, be sure to complete the Affidavit of Representation included in this packet.
- 4) Contact a Title Company for an adjacent property owners list and 2 sets of mailing labels of all surrounding properties within 300 feet of your property lines. You will need your tax number or parcel number in order to obtain this. *NOTE: There are costs associated with this.
- 5) Prepare your site plan and narrative. You may need help from a planning professional or attorney. Take at least 4 photos of your parcel, one from each direction at the property line facing in.
- 6) Fees must be paid when the application is submitted for review and are non-refundable. Other fees may apply as well, depending upon the complexity of the project.
- 7) Submit your completed application including labels, narrative, site plan, photos, fees, and affidavit of representation (if applicable) in the online portal. Labels from the Title Company need to be physically brought to City Hall.
- 8) Contact City Hall (208-772-3698) with any questions and if you need clarification on the public hearing process.
- 9) Following the public hearing a final decision may be made on your project that same day. However, the Planning & Zoning Commission has up to thirty days to render a final decision after the hearing.

I have read, and understand the steps to complete my application.*

 Brent Douglas

Oct 17, 2025

Application Information

Application For*

Variance

Property Owner Phone Number *

[REDACTED]

Property Owner Email*

[REDACTED]

Parcel Identification Number

D140031062AB

Legal Description of Property*

DALTON GARDENS ADD HL IRR LANDS, N
98.76 FT-S2-TR 62

Section 31 Township 51N Range 03W

Current Zoning *

Single Family Dwelling

Comprehensive Plan Designation *

TBD

Request*

TBD

**Number of Properties within 300 feet of property lines
as disclosed by a Title Company***

6

Signature

Burden of proof and compliance with City of Dalton Gardens City Code are the responsibility of the Applicant. All fees associated with the application are nonrefundable.

I attest that the application, attachments and exhibits are true and complete to the best of my knowledge.





Digital Signature *

✓ Brent Douglas
Oct 17, 2025

Staff Only Section

🔒 Check if Physical Property Notification is needed

Attachments

	Project Narrative Dalton_Gardens_Variance_Narrative_5736_N_15th_St_Tara_Brent.pdf Uploaded by Brent Douglas on Oct 20, 2025 at 5:31 PM	REQUIRED
	Site Plan 4-16-25 Douglas Residence.pdf Uploaded by Brent Douglas on Oct 20, 2025 at 5:09 PM	REQUIRED
	List of Adjacent Property Owner's Tara Letter-2025-10-21 12.39.08-2025-10-21 12.39.30.pdf Uploaded by Brent Douglas on Oct 21, 2025 at 12:41 PM	REQUIRED
	Affidavit of Representation Affidavit representation.pdf Uploaded by Brent Douglas on Oct 21, 2025 at 9:40 AM	REQUIRED

REQUIRED



Photos of the Site

IMG_1057.jpeg

Uploaded by Brent Douglas on Oct 21, 2025 at 12:42 PM



IMG_1056.jpeg

IMG_1056.jpeg

Uploaded by Brent Douglas on Oct 21, 2025 at 12:44 PM



IMG_1055.jpeg

IMG_1055.jpeg

Uploaded by Brent Douglas on Oct 21, 2025 at 12:44 PM



IMG_1058.jpeg

IMG_1058.jpeg

Uploaded by Brent Douglas on Oct 21, 2025 at 12:44 PM



IMG_1059.jpeg

IMG_1059.jpeg

Uploaded by Brent Douglas on Oct 21, 2025 at 12:44 PM



IMG_1057.jpeg

IMG_1057.jpeg

Uploaded by Brent Douglas on Oct 21, 2025 at 12:44 PM



Tara D Excel info.csv

Tara D Excel info.csv

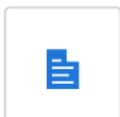
Uploaded by Brent Douglas on Oct 21, 2025 at 12:44 PM



Proof of Signage at site.docx

Proof of Signage at site.docx

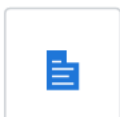
Uploaded by City Clerk on Nov 19, 2025 at 8:05 AM



Proof of mailing.pdf

Proof of mailing.pdf

Uploaded by City Clerk on Nov 19, 2025 at 11:57 AM



SU-25-4 Staff Report.docx

SU-25-4 Staff Report.docx

Uploaded by Jill Ainsworth on Nov 25, 2025 at 3:48 PM

Record Activity

Brent Douglas started a draft Record

10/17/2025 at 3:06 pm

Brent Douglas added file 4-16-25 Douglas Residence.pdf

10/20/2025 at 5:09 pm

Brent Douglas added file Dalton_Gardens_Variance_Narrative_5736_N_15th_St_Tara_Brent.pdf	10/20/2025 at 5:31 pm
Brent Douglas added file Affidavit representation.pdf	10/21/2025 at 9:40 am
Brent Douglas added file Tara Letter-2025-10-21 12.39.08-2025-10-21 12.39.30.pdf	10/21/2025 at 12:41 pm
Brent Douglas added file IMG_1057.jpeg	10/21/2025 at 12:42 pm
Brent Douglas added file IMG_1056.jpeg	10/21/2025 at 12:43 pm
Brent Douglas removed file IMG_1056.jpeg	10/21/2025 at 12:43 pm
Brent Douglas added file Tara D Excel info.csv	10/21/2025 at 12:44 pm
Brent Douglas added file IMG_1056.jpeg	10/21/2025 at 12:44 pm
Brent Douglas added file IMG_1058.jpeg	10/21/2025 at 12:44 pm
Brent Douglas added file IMG_1055.jpeg	10/21/2025 at 12:44 pm
Brent Douglas added file IMG_1059.jpeg	10/21/2025 at 12:44 pm
Brent Douglas added file IMG_1057.jpeg	10/21/2025 at 12:44 pm
Brent Douglas submitted Record SU-25-4	10/21/2025 at 2:24 pm
OpenGov system altered payment step Application Fees (Non-Refundable), changed status from Inactive to Active on Record SU-25-4	10/21/2025 at 2:24 pm
OpenGov system completed payment step Application Fees (Non-Refundable) on Record SU-25-4	10/21/2025 at 2:27 pm
OpenGov system altered approval step Intake Review, changed status from Inactive to Active on Record SU-25-4	10/21/2025 at 2:27 pm
OpenGov system assigned approval step Intake Review to City Clerk on Record SU-25-4	10/21/2025 at 2:27 pm
City Clerk approved approval step Intake Review on Record SU-25-4	10/21/2025 at 2:41 pm
OpenGov system altered approval step Zoning Review & Identify Public Hearing, changed status from Inactive to Active on Record SU-25-4	10/21/2025 at 2:41 pm

City Clerk assigned approval step Zoning Review & Identify Public Hearing to Jill Ainsworth on Record SU-25-4	10/21/2025 at 2:41 pm
City Clerk changed the deadline to Dec 4, 2025 on approval step Zoning Review & Identify Public Hearing on Record SU-25-4	11/18/2025 at 4:32 pm
City Clerk added file Proof of Signage at site.docx to Record SU-25-4	11/19/2025 at 8:05 am
City Clerk added file Proof of mailing.pdf to Record SU-25-4	11/19/2025 at 11:57 am
Jill Ainsworth added file SU-25-4 Staff Report.docx to Record SU-25-4	11/25/2025 at 3:48 pm
City Clerk assigned approval step Schedule Public Hearing to City Clerk on Record SU-25-4	11/26/2025 at 7:01 am
City Clerk altered approval step Schedule Public Hearing, changed status from Inactive to Active on Record SU-25-4	11/26/2025 at 7:01 am
City Clerk changed the deadline to Dec 4, 2025 on approval step Schedule Public Hearing on Record SU-25-4	11/26/2025 at 7:02 am
City Clerk approved approval step Schedule Public Hearing on Record SU-25-4	11/26/2025 at 7:02 am
City Clerk assigned approval step Public Hearing to City Clerk on Record SU-25-4	11/26/2025 at 7:02 am
City Clerk altered approval step Public Hearing, changed status from Inactive to Active on Record SU-25-4	11/26/2025 at 7:02 am
City Clerk approved approval step Zoning Review & Identify Public Hearing on Record SU-25-4	11/26/2025 at 7:02 am
OpenGov system altered payment step Notice/Amendment Fees, changed status from Inactive to Active on Record SU-25-4	11/26/2025 at 7:02 am
OpenGov system completed payment step Notice/Amendment Fees on Record SU-25-4	11/26/2025 at 7:13 am

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
💰 Application Fees (Non-Refundable)	10/21/2025, 2:24:55 PM	10/21/2025, 2:27:12 PM	Brent Douglas	-	Completed

Label	Activated	Completed	Assignee	Due Date	Status
✓ Intake Review	10/21/2025, 2:27:12 PM	10/21/2025, 2:41:02 PM	City Clerk	-	Completed
✓ Zoning Review & Identify Public Hearing	10/21/2025, 2:41:02 PM	11/26/2025, 7:02:30 AM	Jill Ainsworth	12/4/2025	Completed
Ⓢ Notice/Amendment Fees	11/26/2025, 7:02:30 AM	11/26/2025, 7:13:18 AM	Brent Douglas	-	Completed
✓ Schedule Public Hearing	11/26/2025, 7:01:52 AM	11/26/2025, 7:02:13 AM	City Clerk	12/4/2025	Completed
✓ Public Hearing	11/26/2025, 7:02:24 AM	-	City Clerk	-	Active
✓ Administrative Review	-	-	-	-	Inactive
✓ Update on Zoning Order of Decision	-	-	-	-	Inactive

CHAPTER 3

COMMERCIAL DISTRICT

SECTION:

5-3-1: Uses

5-3-2: Building Requirements (Rep. by Ord. 272, 9-14-2021)

5-3-3: Minimum Building Site Dimensions And Lot Size

5-3-4: Yards

5-3-5: Height

5-3-6: Fire Lane

5-3-7: Access

5-3-8: Off Street Parking

5-3-9: Site Disturbance

5-3-10: Signage

5-3-11: Fencing, Landscaping, Buffer Yards, And Sidewalks

5-3-12: Performance Standards

5-3-13: Project Review For Development

5-3-14: Appendix 1 Activity Groups

5-3-1: USES:

A. General:

1. The Commercial District (C) is intended as a broad spectrum commercial district that permits limited wholesale/retail sales and service, in addition to allowing limited manufacturing uses with a special use permit.

2. Any uses not specifically delineated as allowed, or allowed as a specified special use permit shall be considered prohibited. No buildings or other structures shall be allowed in the vision triangle. The vision triangle is a triangle of land that has an unobstructed view from a curb line of a driveway, roadway or street intersection. Intersections include all cases where two (2) streets intersect and locations where driveways intersect streets. The area needed to be clear of obstruction for safe turning movements is called the "vision triangle".

The following standards apply:

Street to street vision triangle	25 feet x 25 feet
Street to edge of driveway and city paved road vision triangle	15 feet x 20 feet

B. Allowed Uses:

1. See section 5-3-14, "Appendix 1 Activity Groups", of this chapter for general description and definition of each use.

Administrative offices.

Agricultural supplies and commodity sales.

Automobile and accessory sales.

Automobile renting.

Automotive fleet storage.

Automotive parking.

Banks and financial institutions.

Bars and taverns.

Building maintenance service.

Business supply retail sales.

Business support service.

Coffee and espresso stands.

Commercial film production.

Communication service.

Community assembly.

Community organization.

Construction retail sales.

Consumer repair service.

Convenience sales.

Convenience service.

Department stores.

Essential public utility service.

Farm equipment sales.

Finished goods wholesale.

Food and beverage stores.

General construction service.

Government facilities.

Group assembly.

Handicapped or minimal care facility.

Home furnishing retail sales.

Hospitals/healthcare.

Hotel/motel.
Laundry service.
Microbreweries.
Ministorage facilities.
Neighborhood recreation.
Nursery sales and landscaping services.
Nursing/convalescent/rest homes for the aged.
Personal service establishments.
Professional offices.
Public recreation.
Religious assembly.
Restaurants.
Retail gasoline sales.
Spas and health clubs.
Specialty retail sales.
Veterinary office.
Wineries.

2. Allowed Accessory Uses:

Storage for primary use, subject to the following restrictions:

a. Any outdoor storage associated with an allowed or special use shall be stored within a completely enclosed building, or behind a six-foot (6') high, one hundred percent (100%) site obscuring fence, or a six-foot (6') high landscaped berm. Such a fence or berm shall be configured so that materials within the outdoor storage area are not visible from adjacent properties, road rights of way, or from a parking area or driveway on the subject property. The following items may be stored outside, outside of the aforementioned enclosure:

(1) Vehicle sales for display.

(2) Equipment rentals for display.

(3) Limited inventory for advertising purposes, restricted to three (3) items on display; shall not impede required parking spaces and circulation patterns.

(4) Any equipment or inventory displayed shall not create a visual obstruction in the vision triangle that will interfere with the ingress or egress to a roadway or driveway.

3. Special Use Permits: See section 5-3-14, "Appendix 1 Activity Groups", of this chapter for general description and definition of each use. A structure, site or parcel may have more than one special use permit. Each special use is considered a separate permit.

Adult entertainment sales and service.

Automobile repair and cleaning.

Car wash.
Childcare facility.
Commercial kennel.
Commercial recreation.
Community education.
Custom manufacturing.
Funeral service.
Light industrial uses.
Noncommercial kennel.
Veterinary hospital with boarding facilities.
Warehouse/storage.
Wireless communication facility.

4. Prohibited Uses: See section 5-3-14, "Appendix 1 Activity Groups", of this chapter for general description and definition of each use.

Those uses which may have been declared nuisances in any court of record or may be deemed obnoxious or offensive by reason of emission of odor, smoke, dust, gas or noise by the City and:

Amusement park, theme park.
Auto camp.
Automobile graveyards and junkyards (defined separately).
Aviation field or landing strips.
Bulk petroleum storage stations and terminals.
Chemical plant.
Concentrated animal feeding operation.
Extensive impact uses.
Heavy industrial uses.
Manufacture or storage of explosives or gunpowder with the exception of retail sale of gunpowder for firearms.
Metal powder works.
Outdoor theaters.
Recycling plant.
Riding stable.
Slaughterhouse.
Solid waste facility or solid waste transfer station.
Tanneries.

5. Classification Of Unlisted Uses: Any activity or facility which is not expressly classified within any activity group shall be included in that group whose description most closely portrays it. In cases of uncertainty as to the classification of any use, the City shall classify the use, subject to the right of appeal from such determination pursuant to the appeal procedure of Section 1-11-1. In cases of mixed uses as defined in section 5-3-14, "Appendix 1 Activity Groups", of this chapter, the use that occupies the majority of the floor area as determined by the City shall be considered the principal use. Such determination shall be subject to the appeal procedure of Section 1-11-1. (Ord. 221, 7-12-2012; amd. Ord. 256, 10-4-2018; Ord. 264, 3-5-2020; Ord. 272, 9-14-2021)

5-3-2: BUILDING REQUIREMENTS:

(Rep. by Ord. 272, 9-14-2021)

5-3-3: MINIMUM BUILDING SITE DIMENSIONS AND LOT SIZE:

A. Without Municipal sewer service: All lots shall have one hundred ten feet (110') of frontage on a publicly dedicated street, accepted and maintained by the City or the Lakes Highway District or other public authority, and shall contain not less than one acre.

B. With Municipal sewer service: All lots shall have a minimum of ten thousand (10,000) square feet with frontage of fifty feet (50') on a public or private street or access easement.

C. Any lots reduced to less than one acre by condemnation or eminent domain procedures shall be considered legal lots even if such lot contains less than one acre. (Ord. 221, 7-12-2012)

5-3-4: YARDS:

A. Front Yards: Every permanent structure with the exception of signs, fences and walls on all properties which front on an established street right-of-way shall be set back from the front property line at least twenty five feet (25'). For sign setbacks, see chapter 11 of this title for the sign regulations. Note: More restrictive setbacks may be required due to noise and vibration.

B. Rear Yard: Every permanent structure with the exception of signs, fences and walls shall be set back at least ten feet (10') from the rear property line, except the rear yard of a corner lot that fronts a public right-of-way shall be not less than twenty five feet (25') along the side or flanking street. If the rear yard abuts a lot in a different district that requires setbacks for rear yards, then the property in this district shall have setbacks as specified in the more restrictive district. Note: More restrictive setbacks may be required due to noise and vibration.

C. Side Yards: No setback for structures shall be required on side property lines, unless required by the International Building Code or International Fire Code and except on the side yard of a corner lot which fronts a public right-of-way shall be not less than twenty five feet (25') along the side street, also if the side yard abuts a lot in a different district which requires setbacks for side yards, then the property in this district shall have setbacks as specified in the more restrictive district. Note: More restrictive setbacks may be required due to noise and vibration.

D. Nonconforming Structures: Existing structures that met setback requirements when they were constructed but no longer meet setback requirements as a result of right-of-way dedication or eminent domain procedures shall be considered legal, conforming structures unless there is a health and safety issue as determined by the City Engineer or the Fire Marshal. (Ord. 221, 7-12-2012)

5-3-5: HEIGHT:

"Height" is defined under section 5-1-4, "Definitions", of this title. All structures that are at least set back twenty five feet (25') from a residential property line shall be limited to thirty two feet (32') in height or a maximum of two (2) stories, whichever is less. All structures that are within twenty five feet (25') of a residential property line shall be limited to twenty five feet (25') in height or a maximum of two (2) stories, whichever is less. (Ord. 221, 7-12-2012)

5-3-6: FIRE LANE:

Every parcel of land used for commercial purposes shall provide a lane of not less than eighteen feet (18') of unobstructed all weather driving surface approved by the Kootenai County Fire Protection

District from an established street or highway to the rear property line. A fire lane shared by adjacent property owners by a mutual recorded agreement may be allowed. Said lane shall be a designated fire lane and shall remain accessible at all times. If the fire lane is gated for security purposes, the fire district shall give their written approval and then shall be provided the code or key to open the gate. (Ord. 221, 7-12-2012)

5-3-7: ACCESS:

For parcels of land that access right-of-way controlled by City of Coeur d'Alene, an approach permit shall be obtained from the City of Coeur d'Alene.

Except for rights-of-way controlled by the City of Coeur d'Alene, any parcels that access public streets in Dalton Gardens shall be designed to comply with the City's engineering standards for access and approach onto public streets and require an approach permit obtained from the City. (Ord. 221, 7-12-2012; amd. Ord. 272, 9-14-2021)

5-3-8: OFF STREET PARKING:

All off street parking regulations shall be as set forth in chapter 12 of this title which is by reference herein incorporated. (Ord. 221, 7-12-2012)

5-3-9: SITE DISTURBANCE:

All site disturbance, erosion control and stormwater management regulations shall be as set forth in the latest version of title 4, chapter 3 of this Code which is incorporated herein by reference. (Ord. 221, 7-12-2012)

5-3-10: SIGNAGE:

All sign regulations shall be as set forth in the latest version of chapter 11 of this title which is incorporated herein by reference. (Ord. 221, 7-12-2012)

5-3-11: FENCING, LANDSCAPING, BUFFER YARDS, AND SIDEWALKS:

A. Fencing: Fencing is not required; however, if fencing is erected or installed, the following standards apply:

1. Permit Required; Inspection. Any fence exceeding 6 feet (6') in height shall require a building permit and meet International Building Code requirements. A fence permit is not required for maintenance or repair. Total replacement of an existing fence shall require a permit. Fees for fence permits shall be as specified in the Dalton Gardens fee resolution.

2. Materials For Fences And Walls: Fences and walls may be of material commonly used in fence construction (for example: wood, wrought iron, chainlink, vinyl), provided that said fence or wall meets any criteria for sturdiness and construction as established in other City regulations.

3. Fence Height: Fences and walls shall not exceed ten feet (10') in height. The height of fences and walls shall be measured from the top of the fence or wall at its highest point to the finished grade of the lot or parcel adjacent to the fence. If the fence or wall is built on a mound or is otherwise constructed on a level above the average finished grade of the parcel or lot, the height of the mound shall be included in the overall height of the fence or wall. However, where parking, loading or other similar areas are constructed adjacent to a fence or wall and are constructed above the finished grade of the parcel, the height of fences or walls shall be measured from the top of the parking/loading surface.

4. Fence Setbacks:

a. Front yard or yards directly adjacent to public right-of-way: Fences over three feet (3') in height in the front yard shall be set back at least fifteen feet (15') from the front property line.

b. Rear and side yard: Fences are allowed on property lines unless adjacent to a public right-of-way, which then shall follow front yard setbacks in subsection A4a of this section.

c. Fences are subject to vision triangle restrictions as delineated in subsection 5-3-1A3 of this chapter.

B. Landscaping And Buffering:

1. Landscaping Applicability: All properties in the Commercial District shall be required to develop a landscaping plan and add landscaping and buffering. Compliance with the provisions of this section shall be required in the following circumstances:

a. Any building permit for a new structure.

b. Building permits for reconstruction, alteration, remodel or renovation that cumulatively exceeds fifty percent (50%) of the market value of the existing structure within a five (5) year period. In the event of fire or natural disaster, the structure can be reconstructed to the same size and in the same location, regardless of market value without triggering the requirements of landscaping.

c. Any construction, reconstruction, reconfiguration, addition to, or alteration of a parking lot shall be required to include landscaping of any areas adjacent to street rights-of-way, and any vision triangles adjacent to a public right-of-way or driveway.

d. When the use of a building or portion of a building changes to another use which does not involve expansion or remodeling, such use need not provide landscaping except if additional off street parking is required, or the parking area is being modified.

e. In conjunction with any Special Use Permit, compliance with landscaping and buffering requirements will be evaluated and appropriate standards may be imposed as a condition of approval on the permit.

2. Landscaping Plan Required:

a. The landscape plan shall be professionally prepared, drawn to scale and indicate the following:

- (1) Boundaries and dimensions of the site.
- (2) Trees and any other vegetation that is to be retained.
- (3) The location and design of areas to be landscaped.
- (4) Type and design of proposed irrigation.

3. Landscaping Required, Additional Standards: The following areas shall be landscaped. These standards are the minimum required:

a. All front, rear and side yards within five feet (5') of street rights-of-way shall be landscaped.

b. All vision triangle corners shall be landscaped.

c. Landscaping within the parking lot equal to ten percent (10%) of the gross parking area used for parking spaces (in addition to the landscaped areas required in subsections B3a and B3b of this section). Traffic aisles and driveways are excluded from this calculation. Such landscaping areas should be dispersed throughout the parking area. Parking lots and the accompanying landscaping shall be configured so that no parking space is more than seventy five feet (75') from a landscaped area.

d. All landscaped areas shall consist of a mix of deciduous and evergreen trees, shrubs and live ground cover. There shall be at least one tree and two (2) shrubs for each three hundred (300) square feet of required landscape area.

e. All buffer yards shall be landscaped in accordance with subsection B4 of this section.

f. No trees or shrubs or landscaping treatment shall obstruct the view between the intersection or the street and the access drives and parking aisles near entries and exits. Plantings within the vision triangle as defined in subsection 5-3-1A3 of this chapter shall not exceed a maximum mature height of thirty inches (30").

g. No ground disturbance as a result of site construction, grading, development or paving shall be left exposed to bare soil at the conclusion of construction.

h. All landscaped areas shall be separated from driveways, drive aisles, loading and parking areas by a six inch (6") concrete curb or similar permanent barrier.

4. Buffer Yard Regulations:

a. Buffer Yard: For purposes of this chapter, a "buffer yard" is part of the required landscaping and is a landscaped area that serves to physically and/or visually separate land uses having incompatible facilities or activities or differing intensities of use. A buffer yard is required along property lines that are adjacent to the residential zone.

b. Minimum Width: The buffer yard shall be a minimum of fifteen feet (15') wide unless adjacent to a public right-of-way. In such cases, the buffer yard may be a minimum of five feet (5') wide. Any buffer adjacent to public right-of-way must meet vision triangle standards.

c. Materials For Buffer Yards:

(1) All buffer yards shall be comprised of, but not limited to, a six foot (6') tall 100% sight obscuring solid fence or wall along the property line (or the line between the residential and commercial use if on the same property); together with a mix of evergreen and deciduous trees ground cover in which evergreen plant materials comprise a minimum of seventy five percent (75%) of the total plant material used. An earthen berm may not be substituted for the fence or wall.

(2) The required buffer yard shall result in an effective barrier within five (5) years and be maintained such that fifty percent (50%) or more of the vertical surface is closed and prevents the passage of vision through it, as determined by the City.

5. Landscaping Development Agreement Option: A landscaping development agreement may be initiated by the property owner. Such an agreement is negotiated with the City to provide flexibility in the implementation of the standards of this chapter while meeting the intent of the requirements. The agreement may allow for the relocation of required landscaping, but does not allow for elimination of required elements.

a. Information: The agreement shall be in a form provided by the City. No agreement shall be accepted without the following information included in the agreement and provided by the applicant:

(1) Legal name, title and addresses of the applicant, property owner and/or others with a direct vested interest in the landscaping development agreement.

(2) A legal description of the property that is subject of the agreement. Such legal description must be acceptable to the City.

(3) Signatures of all applicants, owners, developers, or lawfully authorized agents, shall be notarized, and in the case of lawfully authorized agents, properly executed powers of attorney in a form acceptable to the City's legal counsel shall be presented to the City and shall be made part of the agreement.

(4) A narrative that states what changes will be made to the landscaping plan and how those changes will continue to meet the intent of the standards for landscaping and buffering.

(5) A site plan indicating proposed and existing landscaping, materials and plants to be used and buildings and other features that will assist in providing an accurate description of the proposed

landscaping plan.

(6) A clause that states that once the agreement is signed by both the property owner and the City, the property owner understands and accepts that changes made to the landscaping plan shall need to be reviewed and approved by the City through an amended landscaping development agreement.

b. Termination Of Agreement: A termination of the agreement may be initiated by the City if the property owner fails to comply with any term, condition, obligation or duty of the agreement.

(1) If the City perceives that the property owner has not complied with the agreement, the City shall provide notice to the property owner of a compliance hearing held to determine compliance and possible termination of the agreement.

(2) The compliance hearing is a public hearing and will comply with Idaho Statute 67-6509. The property owner shall provide reasons to the City why compliance has not been implemented and why the City should not terminate the agreement and require the ordinance standards to be met.

6. Installation And Maintenance: The owner/developer shall follow accepted nursery standards and practices in the planting and maintenance of required landscape areas. Soil and slope stabilization must result after landscape installation.

All required landscaping shall be permanently maintained in a healthy growing condition by the property owner or the property owner's designee. This includes the maintenance of landscape materials within or abutting the public right-of-way adjacent to the subject property. The property owner shall remove and, if required to meet the standards of this chapter, shall replace any unhealthy or dead plant material immediately or as the planting season permits.

7. Completion Time: The City may authorize a delay in the completion of planting outside of the planting season. Should a delay occur, a bond or other sufficient security approved by the City Attorney, equal to one hundred fifty percent (150%) of the costs of landscaping, will be provided by the owner/developer in the form of cash, certified check, irrevocable letter of credit, or bond and held by the City until said landscaping is complete or the guarantee is forfeited for noncompliance. No final certificate of occupancy shall be issued until the required landscaping is complete or a guarantee is posted.

C. Sidewalks: For parcels with frontage on Aqua Circle, a five foot (5') wide concrete sidewalk along the road frontage shall be installed by the property owner as part of the parking lot and landscaping requirements. Sidewalks shall be located immediately adjacent to the property line. If sidewalk exists on the adjacent parcel(s), the new sidewalk shall be configured to meet the existing.

D. Undeveloped Property: Undeveloped lots or parcels shall be weeded, planted with indigenous grasses and maintained in a neat and orderly manner. Under subsection 5-3-12E2e of this chapter, performance standards delineate that a violation occurs if weeds or unkempt landscaping constitute a fire hazard. (Ord. 256, 10-4-2018; amd. Ord. 272, 9-14-2021)

5-3-12: PERFORMANCE STANDARDS:

Compliance Required: All new and existing structures and uses shall be required to meet the requirements of this section on the date of the adoption hereof.

A. Refuse:

1. Definition: "Refuse" is defined as waste, garbage, trash, junk and litter.

2. Standards: All refuse containers shall be adequately screened such that they are not visible from the public street or a residential property line.

B. Building And Property Maintenance: All commercial buildings and properties shall be maintained to protect the public health, safety and general welfare at all times. Properties exhibiting

characteristics that include, but are not limited to, the following are considered harmful or a nuisance and are prohibited:

1. Missing windows or doors that constitute a public safety concern or building hazard;
2. Unrepaired fire or vandalism damage;
3. Structure dilapidation, deterioration or decay that constitutes a building hazard;
4. Graffiti as delineated in ordinance 188;
5. Noxious weeds or unkempt landscaping that constitutes a fire hazard;
6. Abandoned and inoperable vehicles as defined in title 8, chapter 3 of this code;
7. Absence of adequate solid waste refuse pick up; and
8. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, dead animals or parts of dead animals.

C. Lighting:

1. Lighting Exemptions: The following are exempt from the provisions of this chapter:
 - a. Seasonal displays unless such displays become a nuisance;
 - b. Vehicular lights and all temporary emergency lighting needed by the police department and fire protection district or other emergency services;
 - c. All temporary lighting used for the construction or repair of roadways, utilities and other public infrastructure; and
 - d. All lighting required by the City, state or federal regulatory agencies.
 - e. All lighting for public utilities as long as fixtures are downward directed and shielded.
2. General Standards: The following general standards apply to all nonexempt outdoor lighting fixtures:
 - a. Nuisance prevention: All outdoor lighting fixtures shall be designed, located and installed to be downward directed and shielded, by retrofitting if necessary, and shall be maintained in order to prevent glare, light trespass and light pollution.
 - b. An outdoor lighting fixture may only be aimed against a structure if the light is effectively contained by the structure and no glare is visible from off site.
 - c. Uplighting of identification signs fronting public streets shall be allowed under conditions delineated in chapter 11 of this title. No direct lighting shall be visible from the residential district property line. Any lighting directed upwards above the horizontal plane (uplighting) is prohibited, with the exception of government flags.
3. Prohibited Lighting: The following light fixtures and activities are prohibited and are considered a nuisance and light pollution:
 - a. The installation of any new fixture not in conformance with this chapter is prohibited.
 - b. No outdoor lighting fixtures shall be installed, aimed or directed to produce light that spills over into adjacent residential properties or the public right of way. Direct light trespass onto residential properties is prohibited.
 - c. No outdoor lighting fixture may be installed or maintained in such a manner to cause glare visible from off site.

d. No outdoor lighting fixture may be operated in such a manner as to constitute a hazard or danger to persons, or to safe vehicular travel.

e. Blinking, flashing, moving, revolving, scintillating, flickering, changing intensity, and changing color lights.

f. Searchlights, laser source lights, or any similar high intensity light is prohibited except in emergencies by police and fire personnel or at their direction, or for approved temporary lighting under a special event permit issued by the city.

D. Construction Activity Prohibited During Certain Hours: It is unlawful and is deemed a public nuisance for any person to engage in acts of building construction, site development, use of heavy equipment for earthmoving or installation of public works, or other construction activities which involve use of concussion, compression, power tools, or which produce bothersome noise, vibration, illumination, dust, or similar undesirable environmental effects onto adjoining residential properties, between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. on a weekday and between six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. on a weekend, except as otherwise authorized by the city council for utility construction or service emergencies.

E. Vibration: Any outdoor activity that causes vibration shall be set back from the property line sufficient distance to stop vibration at the property line or be conducted in a fully enclosed building that has been engineered to prevent vibration at the property line or an abutting residential zoning district as perceived by a person of normal sensitivities.

F. Noise:

1. Standard: No person may make or permit, in the operation of a machine or otherwise, any noise to the annoyance of any other person of ordinary sensibilities between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. on a weekday and between six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. on a weekend, except as otherwise authorized by the city council for utility construction or service emergencies.

2. Loud Or Unnecessary Noises: Any noise which exceeds the ambient level by fifteen (15) decibels on an A-scale decibel meter (as specified in ANSI S 1.4-1971) and which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of ordinary sensibilities; endangers or damages personal or real property; disturbs or would disturb the peace; or creates a nuisance is prohibited.

3. Exemptions: This requirement shall not apply to maintenance equipment including, but not limited to, lawn mowers, snowblowers and weed whackers, snow removal equipment, emergency equipment not operated on a regular or scheduled basis; and warning devices not operating continuously for more than five (5) minutes.

4. Enumeration Of Violations: The following noises and acts, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

a. Inoperative Muffler: Inoperative or absence of vehicle muffler.

b. Repair Of Vehicles: Any noise generated from the repair, rebuild or test motor vehicle, motorboat or aircraft to cause a noise disturbance across a residential lot line outside of the hours delineated in this section.

c. Repair Tools (Hammers, Concrete Saws, Etc.): Any noise generated by the use or operation of any pneumatic and electric hammer, concrete saw or other equipment or appliance, blasting device or other explosive not associated with a current building permit shall be a loud and unnecessary noise unless such noise is both created during the times allowed for construction and does not exceed the noise levels.

d. Loading, Unloading, Opening Boxes Or Crates: The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

G. Dust, Smoke And Odor Control: No development shall generate dust, smoke, odors, or other airborne pollutants that travel beyond its property line, except as permitted by state and federal air quality standards. (Ord. 221, 7-12-2012; amd. Ord. 272, 9-14-2021)

5-3-13: PROJECT REVIEW FOR DEVELOPMENT:

A. When determined necessary by the Planning Administrator, a project review meeting shall be required prior to processing building permit or site disturbance permit applications in the commercial zone. The project proponent must submit a complete description of the project, including all information on the forms provided by the city. Staff may request additional information prior to sending the request to the project review team.

B. The project review team includes the project proponent, and city representatives from planning, building and engineering. It may include fire department representatives, health district representatives and representatives from the Dalton Gardens Water Association, Dalton irrigation district, and the City of Coeur d'Alene.

C. At the project review meeting, the project review team will determine the types of approvals that will be necessary and provide an estimate of required fees for the project. The project review team may impose conditions on the project to mitigate impacts.

D. A site inspection may be deemed necessary by the City.

E. The burden of proof to provide correct information lies with the project proponent and property owner. (Ord. 221, 7-12-2012; amd. Ord. 264, 3-5-2020; Ord. 272, 9-14-2021)

5-3-14: APPENDIX 1 ACTIVITY GROUPS:

Administrative. Activities typically performed by public, quasi-public, and public utility administrative offices such as City, County, State or similar offices.

Adult entertainment. Activities, whether conducted intermittently or full time, that primarily involve the display, exhibition, or viewing of people and/or materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts or by emphasis on male or female genitals, buttocks or female breasts; typical of adult motion picture theaters, adult mini-motion picture theaters, and adult motion picture arcades, and including massage parlors and bathhouses.

Adult entertainment retail sales. Activities, whether conducted intermittently or full time, that primarily involve the sale of books, magazines, films, photographs or other materials distinguished or characterized by an emphasis on matter depicting, describing or pertaining to human sex acts or by an emphasis on male or female genitals, buttocks or female breasts, typical of adult motion picture theaters, adult mini-motion picture theaters, adult motion picture arcade and adult bookstores.

Agricultural supply and commodities sales. Activities that typically include the sale from the premises of feed and grain, fertilizers, pesticides, herbicides, animal care equipment.

Amusement park. A permanent outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or the sale of items, and buildings for shows and entertainment.

Auto camps. Activities that include the provision of spaces for lodging for transient or semipermanent guests in semipermanent dwelling structures, typically tents, travel trailers, and camper vehicles.

Automotive accessory retail sales. Activities that include the retail sale from the premises of motor vehicle parts and accessories; such activities are typical of firms selling tires, batteries, mufflers, auto glass, and auto upholstery, but excluding tire recapping.

Automotive fleet storage. Activities that include the storage of vehicles used regularly in business operations and not available for sale, typically including overnight storage of rental cars, mobile catering trucks, taxicabs, etc.

Automotive parking. Activities that include the temporary parking of motor vehicles on a fee or free basis within a privately owned, off street parking area, and not the parking of commercial vehicles nor vehicles for sale.

Automotive rental. Activities that include the rental from the premises of motor vehicles, with provision of incidental maintenance service, typically performed by car rental agencies.

Automotive repair/cleaning. Activities that include the major repair or painting of motor vehicles, including bodywork and installation of major accessories as well as the washing and polishing of motor vehicles.

Automotive sales. Activities that include the sale from the premises of motor vehicles, with incidental maintenance; such activities are typical of new or used auto, boat and mobile home dealers.

Aviation field or landing strips.

Banks and financial services. Activities that include the provision of financial services; such activities are typical of banks, savings and loan associations, and credit institutions.

Bar and tavern. An establishment where alcohol and sometimes food is served.

Brewery. "Brewery" is a distillery where beer, wine and alcoholic beverages are brewed.

Building maintenance services. Activities that include the provision, primarily to firms rather than individuals, of maintenance and custodial services, including window cleaning services, disinfecting and exterminating services, janitorial services, and carpet cleaning services.

Bulk liquid fuel storage. Activities that include the storage and pumping of liquid fuel products for wholesale distribution.

Bulk petroleum stations and terminals. This is an industrial land use that is comprised of establishments with bulk liquid storage facilities primarily engaged in wholesaling crude petroleum and petroleum products, including liquefied petroleum gas.

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

Business support services. Activities that include the provision, primarily to firms rather than individuals, of services of a clerical, employment, protective, or minor processing nature, including multicopy and blueprint services; they exclude the printing of books, other than pamphlets and small reports for another firm, and the storage of goods other than samples for sale.

CAFO (Concentrated Animal Feeding Operation). Defined in Idaho Code 67-6529C(1).

Car wash. A facility that either is used manually or automatically to wash the exterior or interior of automobiles.

Chemical plant. A "chemical plant" is an industrial facility where chemicals are produced and stored.

Commercial film production. A use whose activities may be conducted intermittently or full time, and which includes the accommodation of motion picture filming and videotape production for commercial distribution.

Commercial recreation. Activities that include profit oriented sports activities performed either indoors or outdoors, which require a facility for conducting the recreational activity; such activities are typical of swimming centers, skating rinks, tennis courts, racquetball courts, golf courses, etc., but does not include riding stables, amusement parks or theme parks.

Communication services. Activities that include the provision of broadcasting and other information relay services accomplished primarily through use of electronic and telephone mechanisms; such activities are typical of television and radio studios and telegraph offices.

Community assembly and cultural/nonassembly. Activities typically performed by, or at the following institutions or installations:

- A. Public meeting halls.
- B. Nonprofit museums, art galleries, libraries, and observatories.

Community education. Community education is a campus based program that provides educational, social, cultural, economic, and workforce development opportunities that meet the diverse needs of the communities it serves. Typical classes may include, but are not limited to, personal enrichment, hobbies, skill building, and career training. Community education can also include establishments for children such as foster care, childcare facilities, kindergartens and public and private schools.

Community organizations. Activities typically performed by nonprofit organizations whether social, charitable, civic, or professional. This includes organizations such as the Chamber of Commerce, the Red Cross, labor unions, political organizations, and similar groups.

Construction retail sales. Activities that include the retail sale or rental from the premises of goods and equipment, including paint, glass, hardware, fixtures, electrical supplies and lumber, primarily to individuals rather than firms; such activities are typical of hardware stores.

Consumer repair services. Activities that include the provision, principally to individuals rather than firms, of repair services such as apparel, shoe, upholstery, furniture, and electrical appliance repair services.

Convenience sales. Activities that include the retail sale from the premises of drugs and other frequently needed small personal convenience items such as toiletries, tobacco and magazines, including small grocery stores.

Convenience services. Activities that include the provision, to individuals, of convenience services which are typically needed frequently or recurrently, such as beauty and barber care, and apparel laundering and dry cleaning.

Crematory. A building where bodies are incinerated. Crematories may be an accessory use to a funeral home; however, a crematory may have more intensive impacts than those of the funeral home.

Custom manufacturing. Activities that include the production of goods and characterized by direct sale to the consumer, typically involving the manufacture, compounding, processing, assembling, packaging, treatment or fabrication of items that are not massed produced such as the following:

- A. Cameras and photographic equipment, but not film development.
- B. Custom clothing.
- C. Professional, scientific, measuring and control instruments.
- D. Musical instruments.
- E. Handicraft, art objects and jewelry.
- F. Printing, publishing or pattern making.

G. Sign making.

H. Custom woodworking or custom metal working.

Department store type retail sales. Activities that include the retail sale or rental from the premises of a wide range of general goods and merchandise primarily for personal or household use, principally including apparel, appliances and sundries; they exclude the sale or rental of motor vehicles, except for parts and accessories; such activities are typical of department or variety stores.

Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal ("offal" is the entrails and internal organs of a butchered animal) or dead animals.

Essential public utility services. Activities that include the maintenance and operation of public utilities typical of electric, gas, telephone, sewer and water lines. Also included in this group are cemetery support services that are ordinary and necessary for the operation of a cemetery and that do not adversely impact the surrounding neighborhood. A monument company would be typical of a cemetery support service.

Extensive impact. Activities that typically encompass large areas of land may detrimentally impact certain neighboring areas typical of prisons, airports, large electrical transforming installations, refuse dumps, and military installations.

Extractive uses. Activities that include the on site production of mineral products by extractive methods, typical of the following:

A. Oil and gas field exploration, drilling and operation.

B. Subsurface and surface mining and quarrying of metallic and nonmetallic minerals.

Farm equipment sales. Activities that include the sale from the premises of motor driven farm vehicles; such activities are typical of firms selling tractors or harvesting equipment.

Finished goods. Activities that include the storage and wholesale sale to retailers from the premises of finished goods and foodstuffs, typical of wholesale food and apparel supply firms.

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

Food and beverage sales/on site consumption. Activities that include the retail sale from the premises of food or beverages prepared for on premises consumption; such activities are typical of restaurants and bars.

Funeral services. Activities that include the provisions of undertaking, funeral and crematory services involving the care, preparation and disposition of human dead.

Gasoline sales. Activities that include the sale from the premises of goods and the provision of services normally required in the operation and maintenance of automotive vehicles, including the principal sale of liquid fuel products, the incidental sale of tires, batteries, replacement items, and lubricating services, and the performance of minor repairs; excluding wholesale sale of liquid fuel products.

General construction services. Activities that include the provision of services typically performed off the premises by building contractors, or by any of the trades involved in construction, typically including earthwork, plumbing, painting, electrical, roofing, carpentry, heating and sheet metal contracting when related to construction and other services. Activities include minor and incidental repair of equipment. Construction services includes structures, yards and facilities.

Government facilities. A building, structure, infrastructure or land that is owned by the public.

Group assembly. Activities that include the provision of cultural, educational, and entertainment services to assembled groups of spectators or participants; such activities are typical of dance halls, theaters, skating rinks and meeting halls.

Heavy industrial. Activities that include the manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of articles or merchandise not usually enclosed in a building that operates in a manner that may degrade the environment in relation to air, water, noise, visual quality, typical of factories that render raw materials to a more usable form, such as steel mills, pulp plants, electricity/generating facilities, gasohol and energy conversion plants.

Home furnishing retail sales. Activities that include the retail sale from the premises of furniture and home appliances, primarily to individuals rather than firms; such activities are typical of furniture and appliance stores.

Home occupation. An accessory activity performed within a living unit by an occupant of the living unit, which is incidental to the residential use of the living unit and is subject to the home occupation regulations set forth herein.

Hospital/healthcare. Activities typically performed by the following institutions:

A. Hospitals and health clinics.

B. Nursing homes, convalescent hospitals, rest homes, and homes for the aged, providing care for three (3) or more residents who require twenty four (24) hour skilled or intermediate care and medical supervision at a lower level than that provided by a hospital.

C. Handicapped or minimal care facility providing twenty four (24) hour care, group dining and supervision for nine (9) or more residents who are:

1. Physically or mentally handicapped or infirm and who are in need of residential rather than medical care; or

2. Capable of taking care of themselves in independent living units, but who prefer personal supervision.

Hotel/motel. Activities that include the provision of lodging services to transient guests on a less than weekly basis.

Junkyards, automobile graveyards or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes with the exception of land uses that meet title 3, chapter 3 of this Code.

Juvenile offenders facility. Providing twenty four (24) hour care and supervision for three (3) or more children (plus 2 houseparents) who are under the age of eighteen (18) and unrelated to the houseparents, and who have been placed voluntarily or by a State agency, court order or a childcare agency, as a result of a criminal offense. The maximum number of residents shall be set by special use permit, where required.

Laundry services. Activities that include institutional or commercial linen supply and laundry services, as well as diaper service laundries.

Light industrial. Activities that include the manufacturing, compounding, processing, assembling, packaging, treatment, fabrication of articles or merchandise that is primarily indoors, including welding fabrication and repair with an on site operation that will not be significantly detrimental to the environment in respect to air, water, noise, and visual quality; typical of assemblage of appliances, photographic developing, enclosed bottling plants, textile, manufacture, metal fabrication, cabinet

shops, plants, tire recapping and food canning, but not processing; lumber, saw and planing mills are included within this category.

Manufacture or storage of explosives or gunpowder with the exception of retail sale of gunpowder for firearms.

Metal powder works. The production and sale of metal powders, metal flakes, metal fibers or nonmetallic powder additives used with these materials, such as graphite or lubricants.

Microbrewery. A brewery producing specialty beer. This may include area for retail sales.

Ministorage. Activities that include the provision of personal, self-service storage facilities, not intended for use by freight handling, shipping, weighing, or trucking services or similar entities; typical of commercial ministorage facilities.

Mixed use. A combination of uses inside a single building or set of buildings on a single parcel, typically a combination of unrelated businesses.

Neighborhood recreation. Activities that include the use of small open spaces for unstructured or passive recreation, typical of neighborhood or pocket parks; these parks, which could be publicly or privately owned and maintained, provide for the low intensity recreational needs of the immediate local vicinity.

Outdoor theaters. Outdoor theaters include drive-in movie theaters, stadiums and field houses.

Personal services. Activities that include the provision of informational, instructional, and similar services of a personal but nonprofessional nature, such as driving schools, travel bureaus, and photography studios.

Professional and administrative offices. Activities that include managerial, clerical, consultation and professional, including medical, services for therapeutic, preventative or corrective personal treatment, typically performed by the following:

- A. Insurance and real estate offices.
- B. Architects, engineers, lawyers and accounting offices.
- C. Planning and educational research service.
- D. Doctors, dentists and other healthcare practitioners.
- E. Medical testing and analysis services.
- F. Corporate headquarters, branch offices and data storage centers.

Public recreation. Activities typical of institutionally owned structures or public open space for passive or active recreation programs and life sports that include Municipal parks, school playgrounds, public beach.

Recycling plant. A plant for reprocessing used or abandoned materials.

Religious assembly. Activities typically performed at churches, temples, synagogues, and other centers established for the pursuit of religious beliefs; this includes accessory residential uses typical of such religious centers.

Restaurant. An establishment where food and sometime liquor or alcoholic beverages are served for profit.

Slaughterhouse. "Slaughterhouse" is a place where animals marketed for meat are killed humanely and processed; this includes the distilling of bones, fat or glue; glue or gelatin manufacturing.

Solid waste facility or solid waste transfer station. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal ("offal" is the entrails and internal organs of a butchered animal) or dead animals.

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

Storage and warehousing. Activities that include the provision of warehousing, storage, freight handling, shipping, weighing, and trucking services; except for the storage of live animals. Typical activities include moving and storage services, public warehouses, trucking firms, and recycling centers.

Tanneries including the tanning, curing or storage of rawhides or skins.

Theme park. An amusement park in which landscaping, buildings, and attractions are based on one or more specific themes, as jungle wildlife, fairy tales, or the Old West.

Unfinished goods. Activities that include the storage and wholesale sale from the premises of unfinished, raw, or semi-refined projects requiring further processing, fabrication, or manufacturing.

Veterinary activities. Activities that include the provision of animal care, treatment, surgery and boarding services, but excluding the boarding of horses or cattle, typically performed by animal clinics, hospitals and kennels, as follows:

A. Veterinary office. Activities that include the provision of healthcare for small domestic animals (such as cats, dogs and rabbits). Such activities are typical of small animal clinics and facilities for which are indoors.

B. Veterinary hospital. Activities that include the provision of healthcare, surgery and boarding services for small and large animals. Facilities for this type of activity generally require boarding facilities and outdoor areas.

Winery. A building or property that produces wine, or a business involved in the production of wine. A winery may include retail sales of wine.

Wireless communication facility (WCF). Any facility designed and used for the purpose of transmitting, receiving, or relaying voice and data signals. WCFs include siting areas, transmission towers and antennas. (Ord. 256, 10-4-2018)