

Exhibit A

**PLANNING COMMISSION RECOMMENDATION
DRAFT SUBSECTION
TO ALLOW LIMITED INCREASES IN LOT COVERAGE
WITHIN THE R-1 ZONING DISTRICT**

**SUBSECTION 17.38.050(G)
ACCESSORY STRUCTURE STANDARDS**

Amend General Provisions and Exceptions – Accessory structure standards, in order to include provisions that allow limited increases in lot coverage in the R-1 zoning district.

**Chapter 17.38
GENERAL PROVISIONS AND EXCEPTIONS**

Sections:

- 17.38.010 Building areas and yards.**
- 17.38.020 Yards – Permitted projections.**
- 17.38.030 Height limits, projections and exception.**
- 17.38.040 Exhibits.**
- 17.38.050 Accessory structure standards.**
- 17.38.060 Public telephone booths on private property.**

17.38.010 Building areas and yards.

- A. The narrowest portion of a lot or parcel shall be considered the front for determination of yards. The determination of the front side and rear yards shall further be determined by the lot configuration and relationship to other lots or parcels in the immediate neighborhood. In circumstances where unusual lot configuration of block shapes occur, the Director of Planning and Building shall make the determination of yards. Location or orientation of existing structures shall not define yards.
- B. A detached garage or accessory building may occupy not more than 50 percent of the area of a required yard.
- C. A garage or accessory building that is not attached to and made an integral part of the main building shall not be closer than eight feet to the main building.
- D. No yard or other open space provided about any building for the purpose of complying with the regulations of this title shall be considered as providing a yard or open space for any other building or structure.

39 **17.38.020 Yards – Permitted projections.**

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- A. Garages, carports and other accessory buildings may be attached to and have a common wall with the main building, or when located as required by this title, may be connected thereto by a breezeway. Such breezeway shall be structurally integrated with the main dwelling. No parking spaces as required by this title shall be located in any required front yard, or in any required side yard on the street side of any corner lot.
- B. Cornices, eaves, canopies, fireplaces and similar architectural features, but not including any flat wall or window surface, may extend into any required yard, a distance not exceeding two feet.
- C. Uncovered porches or stairways, fire escapes or landing places may extend into any required front or required rear yard, a distance not exceeding six feet and into any required side yard, a distance not exceeding one-half the width of the side yard required for the lot.
- D. In any R district where 50 percent or more of the block frontage is developed with a front yard lesser than required in this title, the average of such existing front yards shall establish the minimum front yard for the remaining undeveloped lots, provided no yard shall be less than 15 feet.
- E. In case a dwelling is to be located so that the front or rear thereof faces any side lot line, such dwelling shall be located not less than 10 feet from such lot line. The shorter street frontage of a corner lot shall be considered the front of the lot.
- F. In the case of a corner lot adjacent to a key lot in any R district, the setback on the street side of the corner lot within 20 feet of the side line of the key lot shall be equal to the front yard required on the key lot, and a clear five-foot rear yard shall be maintained on the key lot.
- G. In R districts, fences in side and rear yards may not exceed six feet in height, and may not exceed three and one-half feet in front yards or street side yards.
- H. In any full block of lots, the front yards may be varied so that the required yard depth is not reduced more than five feet, the average of all lots equals the required yard depth, and corner lot yards are not reduced.
- I. Nothing contained in the general provisions shall be deemed to reduce special yard requirements as set forth in the regulations for any R district.
- J. Yards required for residential buildings which may be permitted on use permit shall be as required for the particular district or for R-3 districts, whichever yard requirements are greater.
- K. Decorative entry gates, arbors, trellis and the like may be permitted subject to provisions of Chapter 17.52 CMC. (Ord. 339 § 1, 1978).

87 **17.38.030 Height limits, projections and exception.**

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89 A. In all districts, the building height shall not exceed a height of 30 feet at the eaves
90 or parapet.

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92 B. Towers, spires, chimneys, machinery, penthouses, scenery lots, cupolas, water
93 tanks, radio aerials, television antennas and similar architectural and utility
94 structures and necessary mechanical appurtenances may be built and used to a
95 height not more than 25 feet above the height limit established for the district in
96 which the structures are located; provided, however, that no such architectural or
97 utility structure in excess of the allowable building height shall be used for
98 sleeping or eating quarters or for commercial advertising purposes.

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100 C. Public utility distribution and transmission lines, poles under 30 feet high, and
101 underground facilities shall be permitted in all districts without the necessity of
102 first obtaining a use permit; provided, however, that a use permit shall be
103 required for utility substations, poles and towers over 30 feet in height, and
104 proposed electric transmission lines prior to the acquisition of rights-of-way
105 therefor.

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107 D. Height limitations established by this title may be exceeded for new or existing
108 residential units when authorized by the Planning and Building Director following
109 notice to the owners of adjacent property when all of the following circumstances
110 exist:

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112 1. The units have, or are in areas which have, special character or special
113 historical, architectural, or aesthetic interest or value where additional
114 building height would result in a building design more compatible with the
115 dominant building height in the immediate neighborhood;

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117 2. The location of the structure to exceed the building height limitation
118 provides a setback or separation from buildings or structures on adjacent
119 property that does not adversely affect the privacy, access to sunlight or
120 the viewshed of adjacent properties;

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122 3. In no case shall be building exceed a maximum height of 35 feet;

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124 4. Notwithstanding the above, if concerns are expressed by neighbors in
125 response to the legal notice, the Director of Planning and Building shall
126 refer the request to the Design Review Board for consideration and
127 action. (Ord. 557 § 3(4), 1999; Ord. 382 § 10, 1982; Ord. 339 § 1, 1978).

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129 **17.38.040 Exhibits.**

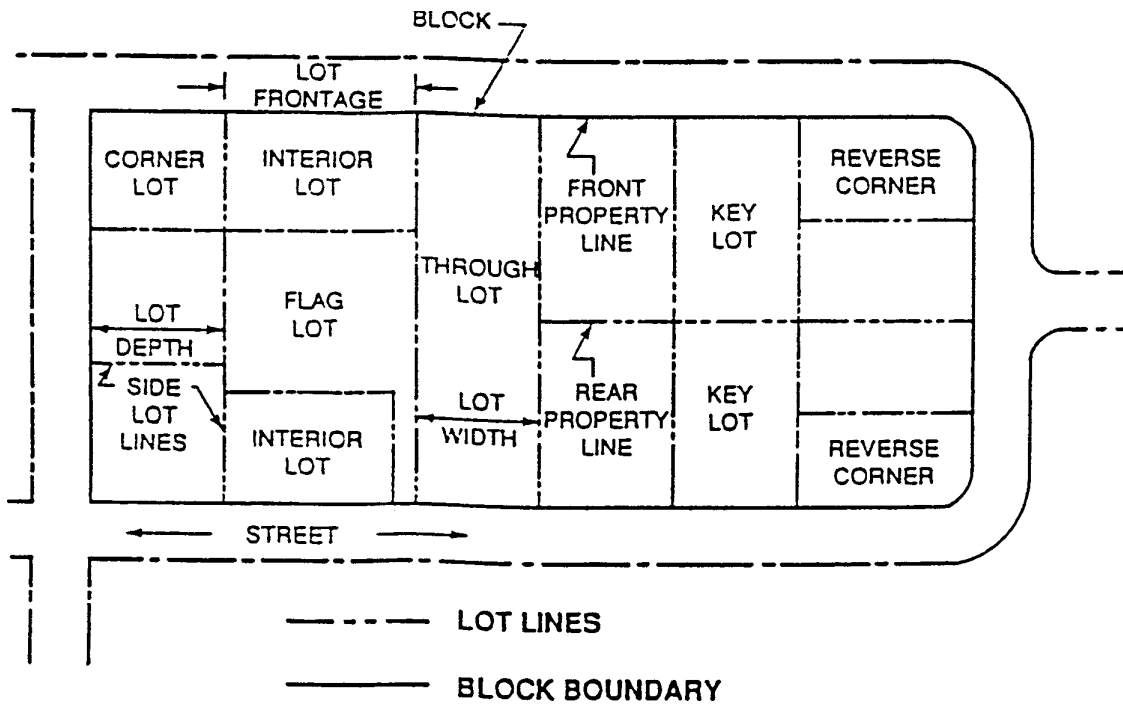
130 A. Types of Lot Arrangements.

131 B. Residential Setbacks – Buildable Area.

132 C. Building Height Measurement.

133 D. Building Height on Sloping Lots.

134 **Exhibit A. Types of Lot Arrangements**



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137 **Exhibit B. Residential Setbacks – Buildable Area**

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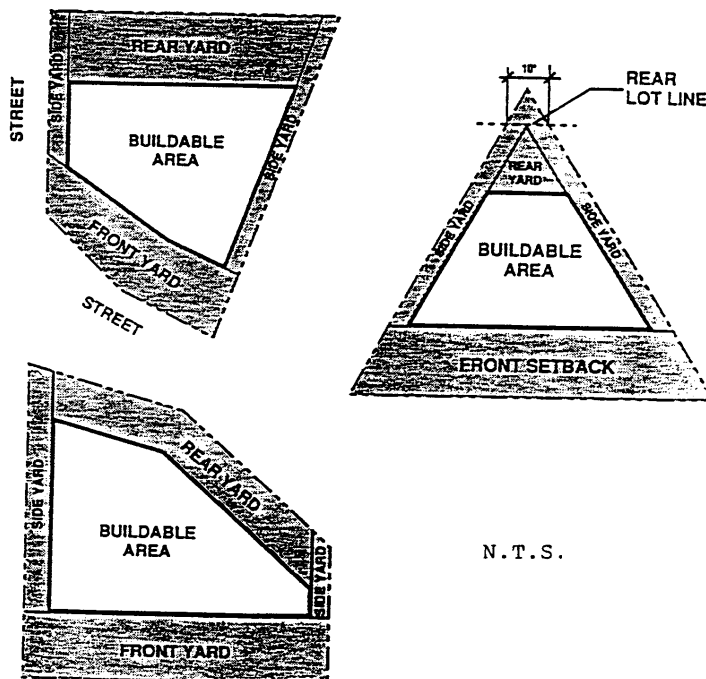
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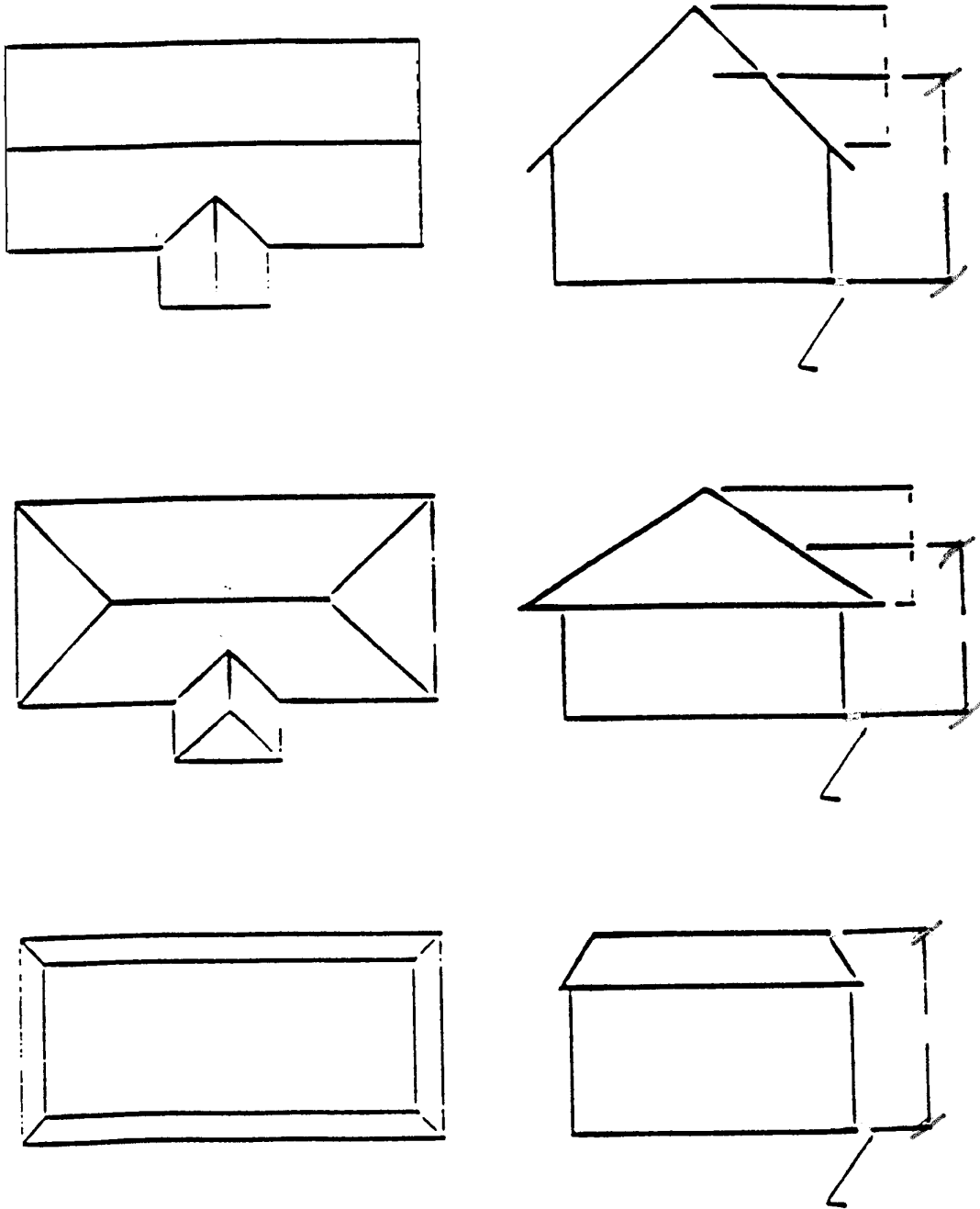
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147 **Exhibit C. Building Height Measurement**

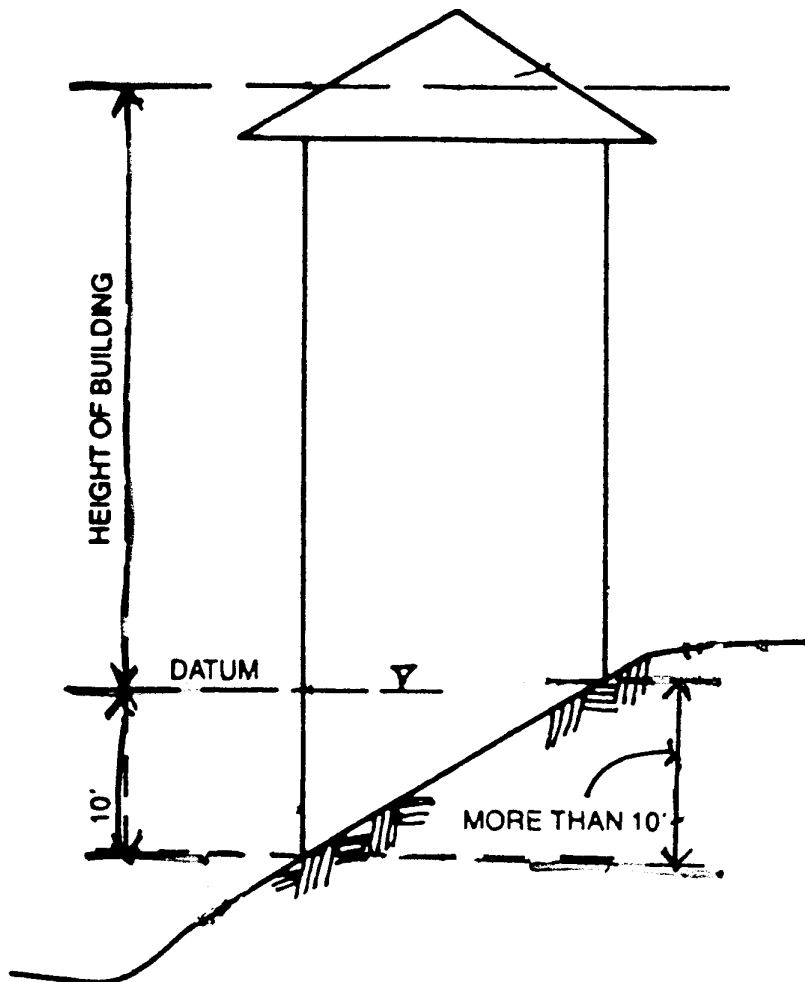
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151 **Exhibit D. Building Height on Sloping Lots**



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(Ord. 557 § 3(4), 1999).

156 **17.38.050 Accessory structure standards.**

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- A. A detached accessory structure shall maintain a five-foot interior side yard and rear yard setback except that an accessory structure not more than eight feet in height and no larger than 120 square feet of total floor area in an R-R and RR-H zone and 80 square feet in total floor area R-1, R-2, and R-3 zones need only maintain a three-foot interior side yard and rear yard setback; provided, that:
1. The highest point of a structure located within three feet of a side or rear property line may not exceed six feet in height;
 2. Adequate drainage and fire safety measures are provided as approved by the Planning and Building Director.

- 169 B. Swimming pools and/or hot tubs shall be permitted in any required interior side
170 yard or rear yard except that no portion of the body of water or associated
171 equipment shall be closer than six feet from any property line or primary building
172 line.
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- 174 C. A minimum of three feet shall be maintained between an accessory building or
175 structure and the primary structure on the same parcel or between accessory
176 buildings or structures as measured from eave to eave or similar exterior
177 projection in all residential zoning districts.
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- 179 D. Patio and deck covers, not exceeding 10 feet in height, shall maintain at least a
180 three-foot interior side yard and rear yard setback. Deck structures not exceeding
181 18 inches in height at any point excluding railways and seats shall not be
182 required to maintain any interior side or rear yard setbacks.
183
- 184 E. Landscaped features and structures such as uncovered and unenclosed
185 walkways, patios and porches having a height of not more than 18 inches,
186 ornamental gate archways having a height of not more than eight feet, planters,
187 light standards, outdoor fireplaces, posts designed to support landscape
188 features, ornamental fixtures, flagpoles not exceeding the maximum allowable
189 height in the zone, arbors, trellises, trees, and similar features shall be permitted
190 anywhere on a lot.
191
- 192 F. The Planning and Building Director may grant an exception, following notice to
193 the adjacent property, for the reconstruction, renovation or expansion of existing
194 accessory buildings or structures from the above standards regulating required
195 yards and separation in residential districts when the following is demonstrated:
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- 197 1. The setback or separation to be provided will be consistent with the
198 prevalent development pattern for similar building or structure in the
199 immediate area;
200
 - 201 2. The location of the accessory building or structure with setback or
202 separation to be provided will not adversely affect the privacy of adjacent
203 properties;
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 - 205 3. The location of the accessory building or structure with the setback or
206 separation to be provided will not significantly increase shading of
207 adjacent properties;
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 - 209 4. Provisions will be in place to accommodate maintenance and drainage
210 needs;
211
 - 212 5. The design of the accessory building or structure is compatible with that
213 of the principal dwelling and will not detract from appearance of the
214 immediate area. (Ord. 544 § 3, 1998).
- 215 G. Additional lot coverage for attached or detached accessory structures located in
216 the R-1 zone may be allowed in accordance with the following provisions:
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- 218 1. An increase of up to 5% above the maximum lot coverage provided for in
219 CMC 17.16.040 may be approved by the Planning and Building Director
220 for attached or detached accessory structures that meet the following
221 design criteria:
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223 a. The accessory structure is aesthetically integrated with the primary
224 building on the property or will not be visible from a public right-of-
225 way.
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227 b. The accessory structure has been designed to minimize physical and
228 visual intrusion on adjacent properties.
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230 2. An increase of up to 7% above the maximum lot coverage provided for in
231 CMC 17.16.040 may be approved for attached or detached accessory
232 structures meeting the design criteria in subsection (G)(1) of this section,
233 subject to the following procedure:
234
235 a. Written notice of a proposal to exceed the maximum lot coverage
236 provided for in CMC 17.16.040 by more than 5% but not greater than
237 7% shall be mailed to all property owners within 300 feet of the
238 subject site. Such notice shall be given not less than 10 days before
239 the date the Planning and Building Director approves the proposal.
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241 b. If the Planning and Building Director determines that there is
242 substantial concern expressed by surrounding property owners the
243 proposal shall be referred to the Planning Commission for review and
244 approval at a public hearing.
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246 3. At the discretion of the Planning and Building Director, any proposal to
247 exceed the maximum lot coverage pursuant to subsection (G)(1) or (G)(2)
248 of this section may be referred to the Planning Commission for review
249 and approval at a public hearing.

250 **17.38.060 Public telephone booths on private property.**

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252 A. The purpose of this section is to promote the public health, safety, and welfare
253 through the regulation of placement and servicing of public telephone booths
254 proposed for installation after the effective date of the ordinance codified in this
255 section.
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257 B. As used in this section, “public telephone” shall mean: a “coin-activated, credit
258 card-activated, or collect or third number-activated telephone available for public
259 use in an outdoor location visible from or within a public right-of-way.”
260
261 C. As used in this section, “booth” shall mean: a “structure that supports and
262 encloses a public telephone.”
263
264 D. No person shall install or maintain a public telephone booth on private property in
265 any zoning district without first obtaining a conditional use permit granted through
266 the procedures set out in Chapter 17.40 CMC.

- 267 E. The application shall include the following information:
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269 1. The name, address, and telephone number of the applicant.
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271 2. The current name, address, and telephone number of the payphone
272 service provider.
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274 3. The name, address and telephone number of a responsible person whom
275 the City may notify or contact at any reasonable time concerning the
276 applicant's public telephone booths.
277
278 4. A lighting plan indicating that the lighting does not shine onto the public
279 right-of-way and is the minimum necessary for public safety.
280
281 5. A site plan indicating that the proposed public telephone booth will not
282 impede pedestrian or vehicular circulation, parking on public or private
283 property, visibility of a building entrance or sign or the use of poles, traffic
284 signs or signals, hydrants, mailboxes, or other objects permitted at or
285 near the location.
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- 287 F. In addition to findings set forth in CMC 17.40.070, the Director of Planning and
288 Building shall make the following findings:
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290 1. There are no public telephone booths located on public or private
291 property within one city block from the proposed location. For the
292 purposes of this section, a "city block" shall be defined as "one side of a
293 street between two consecutive intersections."
294
295 2. No signs are proposed, other than those allowed or required by Federal,
296 State or local law.
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298 3. For proposed locations in all residentially zoned districts, the location
299 shall not be within 200 feet from an existing residential use. In all other
300 zoning districts, the proposed location may be less than 200 feet from a
301 residential use; provided, that it is demonstrated that the location will not
302 adversely affect an existing residential use in the vicinity.
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304 4. No public telephone booth shall be placed, installed, used, or maintained
305 when such installation, use, or maintenance endangers the safety of
306 persons or property.
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308 5. The public telephone is for outgoing calls only.
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- 310 G. The current telephone number of the payphone service provider who may be
311 contacted at any time concerning the public telephone booth shall be displayed
312 on the front of the public telephone booth in such manner as to be readily visible
313 and readable to a prospective customer. The size of the identifying information
314 shall not exceed 24 square inches. This information shall also be provided to the
315 City and shall be kept updated.

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- H. Every public telephone booth shall be maintained in a clean and neat condition and in good repair at all times. (Ord. 583 § 2, 2002).