

Blue italics at the start of each section indicate Staff annotations.

CHAPTER 2 DEFINITIONS

10-2-1: DEFINITIONS:

Definitions updated to reflect additional land uses added to zones.

- 5 When used in this title, the following words and terms shall have the meanings ascribed to them in this section:

ADU (ACCESSORY DWELLING UNIT):

- An attached or detached dwelling which is secondary in nature to a primary structure located on the same lot. An accessory dwelling unit provides complete, independent living facilities for one
10 or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation.

ACCESSORY USE:

- A use or structure subordinate to the principal use on the same lot or premises and serving a purpose customarily incidental to the permitted use of the principal building. Accessory uses are
15 authorized uses which do not require a conditional use permit.

AFFECTED PERSON:

One having an interest in real property which may be affected by the issuance or denial of a permit authorizing development.

AGRICULTURAL PURPOSES:

- 20 Refers to the growing of timber or crops, including grazing, horticulture, floriculture, nurseries, fruit trees, berry bushes, and the necessary accessory uses for processing, packing, treating, or storing the produce. The operation of any such accessory use shall be secondary to that of normal crop or timber growing and shall not include feedlots, slaughterhouses, rendering plants, or sawmills.

25 *ANIMAL HOSPICE:*

A facility where lost animals are temporarily housed until permanent homes are either found for them or they are destroyed.

ANIMAL HOSPITAL:

30 A place used for the care, grooming, diagnosis, and treatment of sick or injured animals, and for the care of those who are in need of medical or surgical attention, including overnight accommodations for recuperation and observation purposes.

APPRECIABLE DEGRADATION:

35 Any dust, odor, fumes, detectable pollution, noise or flashing light which is perceptible without instruments more than two hundred feet (200') from the boundaries of the construction or maintenance work.

ARTIST STUDIO/GALLERY:

The use of a site for the production, display and sale of individually crafted artwork including painting, sculpture, jewelry, pottery, leather craft, stitchery, and photography.

ASPHALT BATCH PLANT:

40 A facility which manufactures asphalt.

AUTO WRECKING YARD:

Any use of premises whereon currently nonlicensed motor vehicles not in operating condition are standing more than sixty (60) days, or on which such motor vehicles or parts thereof are dismantled or stored.

45 *AUTOMOTIVE REPAIR:*

An enclosed facility which provides for the maintenance of vehicles, RVs, ATVs, and snowmobiles, including, but not limited to, engine repairs, transmission work, body fender repair, painting and detailing.

BLANK WALL:

- 50 A street facade that is characterized by a lack of transparency into which the pedestrian can see.

BREWERY, DISTILLERY, OR WINERY:

A facility that brews ales, beers, meads, distilled drinks, wines, and/or similar beverages on site that may be sold on-site or through distributed retailers.

BREWPUB, MICRO-DISTILLERY, OR MICRO-WINERY:

- 55 A facility that brews ales, beers, meads, distilled drinks, wines, and/or similar beverages on site not to be sold off-site.

BUILDING:

Any structure used or designed to be used for supporting or sheltering any use or occupancy per City adopted International Building Code.

- 60 BUILDING, AGRICULTURAL:

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or horticultural products, but not for the purpose of human habitation or processing of agricultural products.

BUILDING COVERAGE:

- 65 The total square footage contained by the exterior building foundation, plus all horizontal projections which constitute a "building" as defined in this section, but not including roof overhangs that are three feet (3') or less or uncovered decks less than thirty inches (30") above grade.

BUILDING, EXISTING:

- 70 A building erected prior to the effective date hereof, or one for which a valid building permit has been issued prior to the effective date hereof.

BUILDING FAÇADE:

The outer wall of a building, regardless of whether it faces a street, alley, public area, natural feature, or other developed or undeveloped property.

75 *BUILDING FOOTPRINT:*

That area of a building that is within the perimeter of the foundation or the exterior walls on the building and including, without limitation, all enclosed or covered portions, such as attached garages, carports, decks, porches, solariums and similar enclosed extensions.

BUILDING, PRINCIPAL:

80 Buildings in which permitted uses are conducted on a lot.

BUILDING SETBACK LINE:

An imaginary line that requires all buildings to be set back a certain distance from property boundary lines or lot lines, measured from the drip line of the building, not the wall or foundation, to the boundary line or lot line.

85 *BUILDING SUPPLY, GARDEN CENTER, OR LUMBER YARD:*

An establishment that sells large, bulky, or heavy goods generally used in constructing buildings or structures including but not limited to materials such as brick, stone, lumber, decking materials, plumbing supplies, electrical and other wiring, and/or agricultural goods, such as hay, grain, bulk garden supplies, tools, and equipment.

90 *BULK REQUIREMENTS:*

The combination of land use regulations that establishes the maximum size of a building and its location on the lot, including, without limitation:

A. Building setback, height, and size requirements for the particular zoning district the building is located in; and

95 B. The size and shape of the building and other structures in relation to the neighboring buildings and structures.

BUSINESS USE:

100 The purchase, sale or other retail transaction, indoor or outdoor, involving the handling or disposition of any article, service, substance or commodity for livelihood or profit, or the ownership or management of office buildings, offices, recreation or amusement enterprises or the maintenance and use of business offices by professionals and tradespeople rendering services.

CAMPGROUND:

A facility where camper/recreational vehicles may stop or park overnight for short periods of time.

105 *CEMETERY:*

Land used or intended to be used for the burial of the human dead, including crematoria, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CITY:

110 City of Bellevue, Idaho.

COMMERCIAL USE:

115 The purchase, sale or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit, or the ownership or management of office buildings, offices, recreation or amusement enterprises, or the maintenance and use of offices by professionals and tradespeople rendering services.

COMMISSION:

The Bellevue City Planning and Zoning Commission.

COMMUTER RIDE FACILITY, PRIVATE AND PUBLIC:

120 Land and/or structures used twenty four (24) hours a day, seven (7) days a week for the parking and storing of commuter vans, buses, associated patron vehicle parking and associated patron customer services.

COMPREHENSIVE PLAN:

The Bellevue Comprehensive Land Use Plan, as amended from time to time.

CONDITIONAL USE:

- 125 A use permitted only upon issuance of a conditional use permit.

CONTRACTOR'S OFFICE:

The business office and shop for building contractors, carpenters, plumbers, electricians, and similar tradespeople rendering services to the public.

CONTRACTOR STORAGE YARD:

- 130 Indoor or outdoor storage of building materials and equipment owned by the contractor and commonly used in the construction business.

COUNCIL:

The Common Council of Bellevue, Idaho.

DENSITY:

- 135 A unit of measurement; the number of dwelling units per acre of land.

DENSITY, GROSS:

The total area of a development, including public and private rights-of-way, divided by the total number of dwelling units.

DENSITY, NET:

- 140 The number of dwelling units allowed per acre in a subdivision after subtracting the land occupied by public or private rights-of-way.

DIMENSIONAL STANDARDS:

Bulk and setback regulations.

DUPLEX:

145 A building which contains two (2) dwelling units.

DWELLING, LOCAL HOUSING:

A dwelling unit deed restricted as the primary residence of one or more of the following:

1. An employee working a minimum of thirty (30) hours per week for a business located in Bellevue with an active City of Bellevue business license
- 150 2. A person working a minimum of thirty (30) hours per week in a healthcare, emergency services, or public safety within Blaine County
3. A person over the age of sixty-five (65) years
4. A Disabled Person residing in Blaine County who was a Full-Time Employee in Blaine County immediately prior to his/her disability and who currently lives in Blaine County
155 as his/her Primary Residence

DWELLING, MULTI-FAMILY:

A structure or portion thereof designed for and used as the living quarters for two (2) or more families or housekeeping groups.

DWELLING, SINGLE-FAMILY:

160 A structure designed for and used as the living quarters for a single-family or housekeeping group and which contains no more than one kitchen. A mobile home shall not be considered a single-family dwelling unless it is a unit from which the wheels and tongue have been removed, which is on a permanent foundation, which satisfies the Building Code, and which meets the definition of and requirements for manufactured housing set forth in this title. Manufactured
165 housing shall not be considered a single-family dwelling unless it meets definition of and requirements for manufactured housing set forth in this title.

DWELLING UNIT:

A single building or part thereof providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation.

170 *EASEMENT:*

A nonpossessory interest in real property which gives the holder of such interest the right to use some part, or all, of the real property of another.

EXTRACTION:

175 Removal and processing of any mineral; mining, quarrying, separating, or cleaning mineral resources.

FEEDLOT:

An open area where domesticated livestock, which have been purchased from other ranches, are grouped together for intensive feeding purposes prior to their sale for slaughter.

FLOOD OF ONE HUNDRED YEAR FREQUENCY:

180 A flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year, as determined by probability analysis of historical hydrological data.

FLOODWAY:

185 The channel, watercourse, or portion of the floodplain adjoining the channel which is reasonably required to carry and discharge the bulk of the floodwaters of any river or stream, with a maximum allowable rise of one foot (1') due to potential building encroachment.

GRAVEL OR SHALE PIT:

Any point where stone, sand, gravel or other mineral resources are removed, extracted, crushed or stockpiled.

GROCERY STORE, LARGE-SCALE:

190 A retail establishment offering fresh and pre-packaged food products, household items, and similar goods and having a gross floor area of greater than four thousand (4,000) square feet.

GROCERY STORE, NEIGHBORHOOD:

195 A retail establishment offering fresh and pre-packaged food products, household items, and similar goods and having a gross floor area of less than or equal to four thousand (4,000) square feet.

GROSS FLOOR AREA:

The square footage within the building footprint plus the square footage of additional floors measured from the exterior of the walls.

GROUPED RETAIL TRADE:

200 A combination of two (2) or more individual retail trades (e.g., a shopping center)

HAZARDOUS AREA OR DISTRICT:

A parcel of land that is determined to be susceptible to physical hazards such as flooding, avalanche, geologic instability, steep slopes, or low flying aircraft.

HEAVY INDUSTRIAL USE:

205 Any manufacturing, processing, or testing of goods and materials, including the production of power, where the byproducts of such use include noise, smoke, odor, glare, gas, vibration, dust, light, or traffic which may have a detrimental effect on neighboring property.

HEIGHT OF BUILDING:

210 The vertical distance measured at any point from the highest point of the roof directly to the lowest point of natural grade along the building foundation perimeter prior to any site excavation, grading or filling or to the lowest point of the grade existing as of the effective date hereof, whichever is lowest. This definition shall not apply to flagpoles, lightning rods, weather vanes, antennas or chimneys, but not chases constructed with regard thereto.

HIGH WATER MARK:

215 See definition of bank.

HOME OCCUPATION:

Self-employment by the inhabitant in a dwelling, which is clearly incidental and secondary to its use as a dwelling.

HOSPITAL:

220 An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients, but distinguished from a nursing home by offering primarily short term rather than long term care.

HOUSE TRAILER:

225 Shall mean any device which is built on a permanent chassis, designed to be occupied as a dwelling unit, drawn by another motor vehicle, and is not required to have a State license.

HOUSEKEEPING GROUP:

A group of unrelated persons living together.

INDIVIDUAL RETAIL TRADE:

230 Any retail business or business allowed in an applicable zoning district that: a) shares check stands or storage areas; or b) shares management; or c) is owned, leased, possessed or otherwise controlled, in any manner, directly or indirectly, by the same or different individual(s) or entity(ies), including, without limitation, corporation(s), partnership(s), limited liability company(ies) or trust(s) where:

235 A. Such individuals or entities have a controlling ownership or contractual right with other individuals or entities; or

B. The same individual(s) or entity(ies) acts in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies), and is located within one or more separate buildings or structures within three hundred feet (300') of one another.

JUNKYARD:

240 An outdoor space where waste, discarded or salvaged materials are bought, sold, exchanged,
baled, packed, dismantled, stored, or hauled.

KENNEL:

Any lot or premises on which six (6) or more domesticated animals are housed, groomed, bred,
boarded, or trained in return for compensation, or sold, and which may offer incidental medical
245 treatment.

LIGHT INDUSTRIAL USES:

Warehousing, manufacturing, and/or processing of goods and materials which do not emit
offensive odor, dust, smoke, glare, gas, light, noise, or vibration which cannot be confined to the
site itself. Wholesaling will be allowed as a light industrial use only if the items are
250 manufactured on site and are not for sale as retail merchandise to the general public.

LOT:

A parcel, plot, tract, or other contiguous land area.

LOT AREA:

The area of any lot exclusive of street and road easements.

255 *LOT LINE, FRONT:*

The property line dividing a lot from a street. On a corner lot, only one street property line shall
be considered the front lot line, and the shorter street frontage shall be considered the front lot
line, unless determined otherwise by the Administrator based on the orientation and layout of the
lot and surrounding lots in order to have a uniform front lot line for all such lots.

260 *LOT LINE, REAR:*

The property line opposite the front lot line. For lots in blocks containing an alley, the rear lot
line shall be the property line dividing the lot from the alley.

LOT LINE, SIDE:

Any lot line other than the front lot line and the rear lot line.

265 *LOT OF RECORD:*

A lot which is part of a subdivision recorded in the Office of the County Recorder; or a lot or parcel described by metes and bounds, the description of which has been so recorded prior to the effective date hereof; or a lot recorded as part of the official plat of the City of Bellevue.

MANUFACTURED HOUSING:

270 A structure constructed after June 15, 1976, according to HUD/HFA mobile home construction and safety standards, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected
275 to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except, that the term shall include any structure which meets all the requirements of this definition, except the size requirements and, with respect to which the manufacturer, has filed all certifications required by the Secretary of HUD and complies with the standards established under 42 USC 5401, et seq., and all applicable laws of the State of Idaho
280 and the City of Bellevue, Idaho.

MECHANICAL AREAS:

Those spaces within a building devoted exclusively to furnaces/heating systems, cooling systems, elevators, walk-in freezers and similar systems, which are not habitable spaces.

MEZZANINE:

285 An intermediate level or levels between the floor and ceiling of any story of a building with a floor area of not more than one-third ($1/3$) of the area of the room or space in which the level or levels are located. Such mezzanines shall be part of the calculation of the gross floor area of a building.

MOBILE HOME:

290 A single-family dwelling which may be transported on flatbed or other trailers, which arrives on a site complete and ready for occupancy except for minor assembly operations, location on jacks or foundation, and connection to utilities, and which may be disassembled and moved to another location. A mobile recreational or camper vehicle specifically designed for highway travel on its own wheels shall not be considered a mobile home.

295 *MOBILE HOME SUBDIVISION:*

A subdivision designed for mobile home residential use.

MOTEL:

A building or group of buildings which contain: a) separate sleeping accommodations, each with its own exterior entrance, offered for rent to the traveling public on a nightly basis; and b) has an
300 on site office with a person in charge twenty four (24) hours per day.

MUSEUM:

An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

NET FLOOR AREA:

305 The floor area square footage of that portion of a building consistently used by customers, patrons and employees of the use. Net floor area shall not include areas used exclusively for kitchens, hallways, elevators, bulk storage and freezer areas, employee break areas, restrooms, and mechanical rooms. Net floor area shall be calculated for the entire building and each portion thereof.

310 *NONCONFORMING BUILDING:*

Any building existing at the effective date hereof, or any amendment hereto, which does not conform to the use regulations of this title, or any amendment hereto.

NONCONFORMING USE:

Any use existing at the effective date hereof, or any amendment hereto, which does not conform
315 to the use regulations of this title, or any amendment hereto.

NURSERY, COMMERCIAL:

A combination of land, buildings, and structures for the sale of live trees, plants, shrubs, or
gardening products, or landscaping services.

NURSERY FOR CHILDREN:

320 A facility charging a fee to provide care for preschool age children; includes daycare centers.

NURSERY, OUTDOOR:

A farm or plantation growing trees, shrubs, and plants intended for transplanting elsewhere,
whose commercial use is limited to the sale of those mentioned above actually grown on the
premises.

325 *NURSING HOME:*

A facility for the care and treatment of more than three (3) elderly patients; includes rest homes
and retirement homes.

OFF STREET LOADING AREA:

An open, hard surfaced tract of land, other than a street or public way, the principal use of which
330 is for motor vehicle standing, loading, and unloading.

OFF STREET PARKING:

An open area, other than a street or public way, for the temporary location of motor vehicles.

100-YEAR FLOODPLAIN:

The low land near the channel of a river, street, or other body of water which has been or may be
335 covered by the water of the flood of one hundred (100) year frequency, as established by the
engineering practices of the Federal Emergency Management Agency.

OPEN SPACE:

A land or water area devoid of buildings, streets, or other physical structures.

~~*OPEN SPACE RECREATIONAL USE:*~~

340 ~~Recreational uses not requiring buildings or structures.~~

~~*OUTDOOR RECREATIONAL FACILITY:*~~

~~Facilities such as golf courses, marinas, shooting ranges, rod and gun clubs, and dude ranches whose use is primarily outdoor rather than indoor recreation, for which buildings are incidental and accessory.~~

345 *OWNER:*

The individual, firm, association, syndicate, partnership, corporation, or other entity having proprietary interest in the land to be subdivided. A leasehold interest is excluded from such proprietary interest.

PARK AND RIDE FACILITY, PUBLIC OR PRIVATE:

350 A parcel of land located in the Light Industrial District essential to being utilized for parking of unattended vehicles for an unlimited number of days and hours, and cycling of commuter vans and buses. This conditional use may be allowed only on lands zoned Light Industrial, and such use shall be set back a minimum of two hundred fifty feet (250') from all Main Street/Highway 75 rights- of-way.

355 *PERMITTED USE:*

An authorized use in a particular zone district which does not require a conditional use permit but which is subject to the restrictions particular to that district.

PERSONAL SERVICES:

360 A commercial enterprise which primarily offers services to the general public such as, without limitation, barbershops, beauty salons, shoe repair, watch repair, and similar activities; also referred to as "repair and personal services".

PUBLIC FACILITIES:

Structure for the use and benefit of the community limited to a school, hospital, or cultural or civic buildings.

365 *PUBLIC SPACE:*

Open space available to the public.

PUBLIC UTILITY AND PUBLIC SERVICE FACILITIES:

Structures essential to furnishing the public with electric power, gas, water supply, water treatment, services, including power plants or substations, water treatment plants or pumping
370 stations, fire stations or police stations.

RECREATIONAL USE, INDOOR:

The use of an enclosed building for active or passive leisure, athletic, entertainment, or fitness activities conducted primarily for personal enjoyment, exercise, or social interaction, where such activities are not incidental to another principal use.

375 *RECREATIONAL USE, OUTDOOR:*

The use of open land, unenclosed structures, or partially covered facilities for active or passive leisure, athletic, entertainment, or fitness activities conducted primarily in the open air, except those contained within Bellevue City Parks.

RECREATIONAL VEHICLE (RV):

380 A motor home, travel trailer, truck camper, fifth-wheel trailer, a park model recreational vehicle (as defined by Idaho Code, Titles 39 and 49), converted bus, van or other vehicle, or camping trailer that is designed and used for temporary living quarters. The RV may be under its own power or be mounted or drawn by another vehicle. In no case shall a recreational vehicle be considered a dwelling.

385 RELIGIOUS FACILITIES:

A building or property that is used primarily for religious worship and related social, service, care, or educational activities.

RETREAT:

390 A building or complex of buildings which may include overnight accommodations and kitchen facilities, specifically intended to provide an opportunity to individuals or groups of people for one or more of the following: spiritual renewal, a change of pace from normal daily routines, post-professional educational training, educational seminars, professional counseling, or pursuit of the arts.

RIGHT-OF-WAY:

395 A strip of land dedicated or acquired for use as a public thoroughfare, which normally includes streets, sidewalks, and other public utilities or service areas.

STREAM BANK:

400 The ordinary high water level of a stream, river, lake or impoundment which, in the absence of evidence to the contrary, shall be presumed to be the edge of the riparian vegetation growing along the shore.

STREET:

A right-of-way which provides access to adjacent properties and that has been officially accepted. Street shall include the terms highway, thoroughfare, parkway, road, avenue, boulevard, and place.

405 *SUBDIVISION:*

The division of a lot, tract, or parcel of land into two (2) or more parts for the purpose of sale, lease, or building development, whether immediate or in the future.

TOURIST HOMES:

Establishments located in traditionally residential structures which provide short term occupancy
410 (less than 30 continuous days) to the traveling public; also referred to as "bed and breakfast
inns".

TOWNHOUSE DEVELOPMENT:

A planned project of two (2) single-family units with a common adjoining wall, each unit being
separated from the adjoining unit by a one hour fire resistant wall or walls extending from the
415 basement floor to the roof along the dividing townhouse subplot line, each unit having its own
access to the outside, and no unit located over another unit in part or in whole. All townhouse
developments shall be platted under the procedures contained in the subdivision ordinance in
effect and shall be required to obtain design review approval prior to building permit issuance.
There shall be separate water and sewer connections for each unit.

420 *TOWNHOUSE SUBLOTS:*

Minimum six thousand (6,000) square foot lots resulting from platting a townhouse
development. Sublots shall not be buildable for structures other than a townhouse unit as defined
herein. Platting of sublots shall follow the procedures set forth in the subdivision ordinance and
other applicable codes in effect.

425 Each townhouse unit may have a detached garage, and it must be sited on the same townhouse
subplot as the residential unit.

TOWNHOUSE UNIT:

One or more rooms, including a bathroom and a single kitchen, designed for or occupied as a
unit by one family for living and cooking purposes, located in a townhouse development on a
430 platted townhouse subplot.

TRAILER:

Any unit operated under its own power or drawn by or mounted on another vehicle that is
designed for or used as a temporary living quarter. This definition includes, without limitation, a

435 travel trailer, camping trailer, truck camper, fifth-wheel camper, motor home, and recreational vehicle.

TRANSPORTATION FACILITIES:

Roads, parking areas, turnarounds, bike paths, horse trails, ski or scenic lifts, or any other thoroughfare associated with moving people or materials.

UNDUE HARDSHIP:

440 Special conditions depriving the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this title, but not merely a matter of convenience and profit.

URBAN AGRICULTURE:

445 Land used to grow plants and harvest food or ornamental crops for educational purposes, donation, and use by those cultivating the land, or for sale locally. This does not include gardens that are accessory to a home or business.

USE:

The specific purposes for which land or a building is being used.

USE, EXISTING:

450 Any use legally existing at the effective date hereof.

UTILITIES:

Installations for conducting water, sewage, gas, electricity, television, stormwater, and similar facilities providing service to and used by the public.

YARD:

455 An open space on the same lot with a principal building, which is unoccupied and unobstructed.

ZONE DISTRICT:

A portion of the incorporated territory of Bellevue defined by this title and designated on Zoning Maps to which the provisions of this title apply. (Ord. 2015-02, 4-20-2015; amd. 2018 Code; Ord. 2019-06, 7-30-2019)

460 **CHAPTER 3 ADMINISTRATION AND ENFORCEMENT**

10-3-2: PLANNING AND ZONING COMMISSION:

Consolidating notice requirements to enable single reference across application types.

A. Commission Established: A Planning and Zoning Commission is hereby established.

B. Membership; Appointment And Term:

- 465 1. The membership and appointment of the commission shall be governed by the provisions of Idaho Code section 67-6504, as amended, and applicable ordinances of the City. (Ord. 2015-02, 4-20-2015)
2. The commission shall consist of no more than five (5) voting members. Each member shall be appointed by the Mayor and confirmed by the Council. The Council, in creating
- 470 the commission, shall provide that the areas and interests within its jurisdiction are broadly represented on the commission. Each member shall have been a resident of the City for the two (2) years prior to appointment to the commission and shall be a resident of the City at the time of appointment; except, that one member may reside outside the corporate limits of the City but within the City's Area of Impact, in which case, the
- 475 member shall have been a resident of Blaine County for the two (2) years prior to appointment. Each member shall serve for a term of three (3) years from the date of his/her appointment. No person shall serve more than two (2) full consecutive terms without specific concurrence by two-thirds (2/3) of the Council adopted by motion and recorded in the minutes. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)

480 C. Compensation: Commission members may receive such compensation as provided by the Council for reimbursement for related associated costs to perform the functions or the duties as Planning and Zoning Commissioners.

D. Organization: The commission shall elect a Chair and create any additional offices it may deem necessary. The commission may establish subcommittees, advisory committees, or
485 neighborhood groups to advise and assist in carrying out the responsibilities under this section. The commission may enact a set of bylaws to guide its operation.

E. Meetings, Records And Voting: At least one regular meeting shall be held each month for not less than nine (9) months in a year. Additional special or workshop meetings may be scheduled as necessary. All meetings and records shall be open to the public. A record of
490 meetings, hearings, resolutions, studies, findings, permits, and actions taken shall be maintained. All members shall have voting rights. A majority of the members of the commission shall constitute a quorum.

F. Responsibilities And Duties: The commission shall hold public meetings, hearings, surveys, etc., to obtain input to the planning process. The commission may also conduct informational
495 meetings to consult with public officials and agencies, civil or professional organizations, etc. As a result of such meetings, the commission may submit recommendations to the Council concerning the planning process. Further, the commission shall:

1. Initiate amendments to this title, the subdivision ordinance, and the Comprehensive Plan.
2. Periodically review all privately proposed amendments to this title, the subdivision
500 ordinance and the Comprehensive Plan, and make recommendations to the Council.
3. Review development proposals according to the process outlined in the subdivision ordinance.
4. Review applications for zoning reclassification and make recommendations to the Council.
- 505 5. Review, grant, or deny conditional use permit applications and applications for variances.

6. Hear and decide appeals when it is alleged that an error has been made by the Administrator.

G. Conflict Of Interest: A member or employee of the commission shall not participate in any proceeding or action when the member or employee (or his employer, business partner, associate, or any person related to him by affinity or consanguinity within the second degree) has an economic interest in the procedure or action.

H. Retroactive Effect Of Amendments: The amendments to this section shall apply retroactively to commission members appointed before the effective date hereof.

I. Public Notice Procedures: When a public hearing is required by this Title, the following procedures shall be followed:

1. Notice shall be placed in the official newspaper at least fifteen (15) days prior to the hearing date.
2. Notice shall be mailed by regular first class U.S. mail to each property owner within three hundred feet (300') of the exterior boundary of the the subject property, and to all others as required by state law. The notice shall be mailed at least fourteen (14) days prior to the hearing.
3. At least one notice, in a form approved by the Administrator, shall be conspicuously posted on the subject property, at least fifteen (15) days prior to the hearing.
4. The failure to receive notice by any person entitled thereto by law or by this chapter does not affect the validity of any action taken pursuant to the procedures set forth in this chapter.

H.5. When notice of a hearing on a proposed zoning map amendment, conditional use, variance, scenic route application, planned unit development, or other zoning action is required to two hundred (200) or more property owners or purchasers of record, notice otherwise required by subsection (2) of this section need not be given; provided, that the published notice under subsection (1) of this section includes a map identifying the property together with text indicating the general nature of the zoning change proposed. The format of notice shall be provided by the administrator.

CHAPTER 4 ZONING DISTRICTS AND MAP

535 10-4-2: DISTRICTS CREATED:

Update to reflect new/renamed districts.

The following districts are created:

<u>AVO</u>	<u>Avalanche Overlay District</u>
<u>DT</u>	<u>Downtown District</u>
<u>GR</u>	<u>General Residential District</u>
<u>HB</u>	<u>Highway Business District</u>
<u>LB/RNMU</u>	<u>Limited Business/Residential District</u> <u>Neighborhood Mixed-Use</u>
<u>LI</u>	<u>Light Industrial District</u>
<u>LI/B</u>	<u>Light Industrial/Mixed Business District</u>
<u>RGB</u>	<u>Recreation Green Belt District</u>
<u>T</u>	<u>Transitional District</u>
GR	General Residential District
B	Business District
LB/R	Limited Business/Residential District
LI/B	Light Industrial/Mixed Business District
LI	Light Industrial District
T	Transitional District
RGB	Recreation Green Belt District
AVO	Avalanche Overlay District

10-4-3: OFFICIAL ZONING MAPS:

Update with latest revision at time of adoption.

Official Zoning Maps, dated March 6, 2013 _____, depicting the boundaries of the zoning districts described in this chapter are hereby established as shown on the Official Zoning Maps of the City. These Official Zoning Maps are located in the City Clerk's Office in the City Hall and on the City website, and are hereby adopted by reference.

CHAPTER 7-B BUSINESS DISTRICTS

10-7-1: PURPOSE:

Improved purpose statement and description of new districts.

It is the purpose of the Business Districts to designate space for business, to promote a diverse local economy, to provide space for mixed use development, and to improve the quality of life for Bellevue's residents.

A. Downtown (DT) District: The DT District is intended to preserve and enhance the traditional Bellevue downtown area. A variety of retail, service, and mixed-use establishments associated with historic, pedestrian-oriented development patterns. are permitted.

B. Highway Business (HB) District: The HB District supports medium-to-larger scale commercial and mixed-use development.

ARTICLE A. DT DOWNTOWN DISTRICT

10-7A-1: PERMITTED USES:

Updated to be more consistent with common, generally appreciated downtown uses.

Permitted uses for this district are limited to the following:

~~Business, professional, public or social services offices.~~

~~Gas stations, restaurants, bars, theaters, banks, motels, tourist homes, hotels, and car washes.~~

~~Nursery for children, nursing homes.~~

~~Public utility business offices, repair, and storage facilities.~~

~~Recreational facilities, including bowling alleys.~~

565 ~~Repair and personal services.~~

~~Retail stores and related storage, including commercial nursery and building supply outlets.~~

~~Wireless communication facilities (WCFs) (see additional requirements in section 10-23-7 of this title).~~

Artist Studio/Gallery

570 Bars

Brewpub, Micro-Distillery, or Micro-Winery

Community and Cultural Facilities

Home Occupations

Indoor Recreational Uses

575 Offices

Institutional Uses

Museums

Multi-family Dwellings

Neighborhood Grocery Store

580 Personal Services

Public Facilities

Public Spaces

Religious Facilities

Restaurants, cafés and coffee shops

585 Retail

Urban Agriculture

10-7A-2: ACCESSORY & MIXED USES:

Slightly updated ADU standards to reflect the overall development pattern and land use intensity. When multiple uses are proposed, the most restrictive standards would apply.

590 The accessory uses for this district include, but are not limited to, the following:

~~Temporary buildings incidental to construction work on the premises; such buildings to be removed upon completion of construction work.~~

One accessory dwelling unit ~~for each three six thousand (36,000) square feet of lot area; provided, that it is:~~for each individual primary structure on the parcel; provided that it;

- 595 1. ~~Is in the same building as the a business primary use of the property; be it permitted, conditional, or lawfully nonconforming;~~
2. ~~Clearly ancillary and secondary to the business use which shall, by application, be the primary use of the property;~~
2. Is located behind or above the primary structure;
- 600 3. Contains an equal amount of, or less floor area than, the primary use of the structure; and
4. Is accessed from a separate exterior entrance from the primary use of the structure.
3. ~~Of less square footage than the business use of the building; and~~
4. ~~In the back of and/or on an upper floor of the building so as not to adversely reduce the ground level, street frontage business space available. Accessory dwelling units shall be subject~~
- 605 ~~to administrative design review approval.~~
5. ~~Accessory dwelling units are subject to administrative design review approval.~~
- 6.5. Accessory dwelling units are subject to a separate water and sewer capitalization fee from the primary structure in accordance with Title 8 of this Code.

610 Temporary buildings incidental to construction work on the premises; such buildings to be removed upon completion of construction work.

A. All accessory uses within this district must be accompanied by a permitted primary use on the property.

B. Mixed use developments shall be reviewed using the regulations applicable to the most restrictive use proposed.

615 **10-7A-43: CONDITIONAL USES:**

Updated to be consistent with common downtown uses which are more likely to have greater externalities to consider. To provide flexibility and opportunities for creative entrepreneurship, uses not identified as permitted, accessory, or prohibited in the DT zone are treated as conditional uses.

620 Conditional uses for this district are limited to the following:

~~Churches.~~

~~Governmental emergency service wireless communications facilities.~~

~~Motor vehicle sales and leasing with no use of banners, flags, balloons and other display techniques except signage which complies with this title.~~

625 ~~Parking lots and garages.~~

~~Public facilities.~~

~~Small engine repairs and maintenance incidental to the primary use.~~

~~Buildings in excess of twenty-eight thousand (28,000) square feet in gross floor area, up to a maximum floor area not to exceed thirty-six thousand (36,000) square feet in gross floor area.~~

630 Breweries, distilleries, and wineries

Hotels/Motels

Outdoor recreational uses

Public utility and public service facilities

Uses not identified in this chapter

635 **10-7A-4: PROHIBITED USES:**

Uses that are not desirable or consistent with a downtown area. As Bellevue City Code currently treats all uses not listed as permitted, accessory, or conditional as prohibited, this is a new section.

The following uses are prohibited in this district:

640 Auto Repair

Building Supply, Garden Center and Lumber Yards

Car Wash

Drive-Through Services

Gas Station

645 Heavy Industrial Uses

Large-Scale Grocery Store

Light Industrial Uses

Motor Vehicle Sales and Rental

Parking lot or garage not associated with a structure

650 Self-Storage

Single-Family Residential

Small Engine Repair

Warehouse

655 **10-7A-5: DIMENSIONAL, BULK AND BUILDING COVERAGE STANDARDS AND REQUIREMENTS:**

These standards are intended to maintain a development pattern consistent with the historic use of Main Street

The dimensional, bulk, and building coverage standards and requirements for this district are the following:

660 A. ~~Maximum Building Height:~~ The maximum height of a building shall be ~~forty feet~~
(40') two (2) stories above ground level or thirty-five feet (350'), whichever is more restrictive,
except in accordance with the provisions of Section 10-14-10 of this title.

A. ~~Minimum Lot Width A~~ and Area: The minimum lot width shall be ~~fifty twenty-five feet~~
(50'25'), and the minimum lot area shall be ~~six three thousand (36,000)~~ square feet.

665 B. Maximum Façade Length: The maximum street-side façade length of any single structure
shall be one hundred feet (100').

C. Building Setbacks:

1. Minimum Building Setbacks: No minimum building setbacks are required.

670 ~~B-2.~~ Maximum Building Setback: No building shall be located more than ten feet (10')
from the front property line without Design Review approval. Setbacks greater than
ten feet (10') shall only be approved to allow for public space, outdoor seating for a
café, restaurant, or similar. No front setback greater than thirty feet (30') shall be
permitted.

D. Parking and Vehicle Access:

675 1. Parking Minimum: Standard parking requirements are established by Chapter 21 of
this title. Reductions in the number of parking spaces required may be approved by
the Commission in accordance with one or more of the following provisions:

680 a) Parking Reductions for Non-Residential Uses: The minimum number of
parking spaces required by Chapter 21 of this title may be reduced by up to
fifty percent (50%).

b) Parking reductions in accordance with Section 10-14-10 of this code.

Parking Maximum: Off-street parking on any site shall not exceed one hundred fifty percent (150%) of the parking amount required by Chapter 21 of this title, save for when a Joint Use agreement is approved in accordance with Section 10-21-3 of this title.

2.

—Parking location:

3. Parking shall be located to the rear or interior side of the structure(s). Exceptions may be granted through design review in instances where the location of existing structures precludes the use of the rear portion of the property for parking. In such instances, the Commission must make a finding that pedestrian and visual impacts have been minimized. ~~Requirements: For parking requirements, refer to chapter 21 of this title.~~

4. Vehicle Parking Access Location:

a. ~~Vehicle access shall be located to the rear of the structure(s) and located off of a public or private alley or private road. Vehicle access shall not be off a public street~~ Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.-

b. Any parking area (except for public on-street parking) shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private street shall be traveling in a forward motion.

C.c. Exceptions may be granted through design review in instances where the location of existing structures makes compliance with these standards impractical. In such instances, the Commission must make a finding that pedestrian and visual impacts have been minimized.

10-7A-6: DESIGN STANDARDS AND REQUIREMENTS

Rather than having a single set of design standards for all zones where Design Review is required, the Downtown and Highway Business zones would have specific standards, in addition to the design standards identified in Chapter 17.

A. Pedestrian Entrance Number and Location:

1. -Each structure must be provided Aat least one (1) usable pedestrian entrance per fifty feet (50') of linear street frontage. Pedestrian entrances must be visible and accessible from the street.
2. Structures at street corners may provide one (1) corner-facing pedestrian entrance in lieu of two (2) required pedestrian entrances which would have been on either side of the street corner and parallel to public streets.
3. At least one (1) pedestrian entrance to each structure must be a clearly-identifiable and prominent main entrance.

B. Dumpsters and trash cans: These shall be fully contained within an enclosure and sited away from pedestrian thoroughfares when possible. Consolidated enclosures serving multiple buildings are encouraged and may be required by the Commission when multiple buildings are proposed as part of one development. Enclosures are subject to approval by the solid waste service provider.-

C. Visual Transparency: Where facing a public street or public space, the ground floor of each structure must be at least fifty percent (50%) visually transparent within the area between three (3) and eight (8) feet in height along the building façade. Each successive floor must be at least fifteen percent (15%) visually transparent.

~~Visual transparency may be provided by non-opaque windows, non-opaque doors, patios, or balconies.~~

D. Blank Walls: Where the ground floor of any structure faces a public street or public space, blank walls over ten feet (10') in width shall be prohibited.

E. Materialsity: Where facing a public street or public space, exterior walls of a structure must be faced with at least eighty percent (80%) high-quality traditional materials. In all other locations, exterior walls must be faced with at least twenty five percent (25%) high-quality traditional materials.

1.—High-quality traditional materials include brick, ceramic tile, ~~clapboard~~ wooden siding, glass, ~~granite~~, logs, or ~~rock~~, stone, ~~terracotta~~, and ~~wood~~. Other materials shall qualify if determined by the Commission to be of high quality and traditionally used in regional downtown environments on visible façades. Fire-resistant or energy efficient alternatives to the aforementioned high-quality traditional materials are acceptable provided that the alternatives are generally indistinguishable from the actual materials.

1.

2.—High-quality traditional materials shall not include vinyl siding, tilt-up concrete walls, or metal.

The Planning & Zoning Commission may grant exceptions this section when it can be demonstrated that the modification of existing structures to bring the property into compliance with this section is unreasonable.

ARTICLE B: HB HIGHWAY BUSINESS DISTRICT

10-7B-1: PERMITTED USES:

Permitted uses in the HB zone are similar to those in the DT zone, but also includes larger scale, more vehicle oriented uses more consistent with the development pattern currently in place.

Permitted uses for this district are limited to the following:

Cafés and restaurants

Garden Center

Home Occupations

Hotels/Motels

Indoor Recreational Uses

Neighborhood Grocery Stores

Offices

Personal Services

Restaurants

Retail

10-7B-2: ACCESSORY & MIXED USES:

Effectively the same as in the DT zone.

The accessory uses for this district include, but are not limited to, the following:

One accessory dwelling unit for each individual primary structure on the parcel; provided that it;

1. Is in the same building as a primary use; be it permitted, conditional, or lawfully nonconforming;
2. Is located behind or above the primary structure;
3. Contains an equal amount of, or less floor area than, the primary use of the structure; and
4. Is accessed from a separate exterior entrance from the primary use of the structure.
5. Accessory dwelling units are subject to a separate water and sewer capitalization fee from the primary structure in accordance with Title 8 of this Code.

Temporary buildings incidental to construction work on the premises; such buildings to be removed upon completion of construction work.

Urban Agriculture

Mixed use developments shall be reviewed based upon the most restrictive use proposed.

All accessory uses within this district must be accompanied by a permitted primary use on the property.

10-7B-3: CONDITIONAL USES:

Larger scale, more intensive, typically less attractive uses are conditionally permitted in the HB zone. As uses not listed in this zone are prohibited, a more comprehensive list is included.

Conditional uses for this district are limited to the following:

- 785 Auto Repair
- Bars
- Breweries, distilleries, and wineries
- Brewpub, Micro-Distillery, or Micro-Winery
- Building Supply and Lumber Yards
- 790 Drive-Through Services
- Gas Stations
- Large-Scale Grocery Stores
- Light Industrial Uses
- Motor Vehicle Sales and Rental
- 795 Multi-Family Dwellings
- Outdoor Recreational Uses
- Parking Lots or Garages Not Associated with a Structure
- Religious Facilities
- Self-Storage
- 800 Small Engine Repair
- Warehouse

10-7B-4: PROHIBITED USES:

All uses not identified in this article are prohibited in the HB District.:

10-7B-5: DIMENSIONAL, BULK AND BUILDING COVERAGE STANDARDS AND REQUIREMENTS:

The dimensional standards of this section are intended to balance and blend the more traditional, pedestrian friendly design pattern with the more automobile-oriented development pattern that is already in place.

The dimensional, bulk, and building coverage standards and requirements for this district are the following:

A. Maximum Building Height: The maximum height of a building shall be ~~forty feet~~ (40') three stories above ground level or forty feet (40'), except in accordance with the provisions of Section 10-14-10 of this title.

B. Minimum Lot Width and Area: The minimum lot width shall be fifty feet (50'), and the minimum lot area shall be six thousand (6,000) square feet.

C. Parking:

1. Parking shall be located to the rear or interior side of the structure(s). Exceptions may be granted through design review in instances where the location of existing structures precludes the use of the rear portion of the property for parking. In such instances, the Commission must make a finding that pedestrian and visual impacts have been minimized. ~~Requirements: For parking requirements, refer to chapter 21 of this title.~~

~~D.2.~~ Parking requirements may be reduced in accordance with Section 10-14-10 of this code.

E.D. Maximum Floor Area:

1. The gross floor area for structures in the HB district shall not exceed thirty-six thousand (36,000) square feet. All structures in excess of twenty-eight thousand

(28,000) square feet shall be considered a conditional use and subject to the requirements of Chapter 10-15 of this Code.

2. Public facilities shall be exempt from the maximum floor area provision.

E. Building Setbacks: No minimum or maximum building setbacks are required.

10-7B-6: DESIGN STANDARDS AND REQUIREMENTS

The design considerations in the HB zone are similar to the DT zone, but more relaxed and accommodating to larger structures.

A. Pedestrian Entrance Number and Location:

1. Each structure must be provided at least one (1) usable pedestrian entrance per one hundred feet (100') of linear street frontage. Pedestrian entrances must be visible and accessible from the street.

2. At least one (1) pedestrian entrance to each structure must be a clearly-identifiable and prominent main entrance.

A. Dumpsters and trash cans shall be contained within an enclosure and sited away from pedestrian thoroughfares when possible. Consolidated enclosures serving multiple buildings are encouraged and may be required by the Commission when multiple structures are proposed as part of one development. Enclosures are subject to approval by the solid waste service provider.

B.

C. Visual Transparency: Where facing a public street, the ground floor of each structure must be at least fifteen percent (15%) visually transparent within the area between three feet (3') and eight feet (8') in height along the building facade. Each successive floor which faces a public street must be at least ten percent (10%) transparent.

a. Visual transparency may be provided by non-opaque windows, non-opaque doors, patios, or balconies.

b. The Commission may approve a reduction in visual transparency if necessary for a proposed use, provided that the Commission finds that no substantial decrease in visual and pedestrian interest will result from said reduction.

D. Blank Walls: Where the ground floor of any structure faces a public street or public space, blank walls over thirty five-feet (305') in length shall be prohibited.

E. Materiality: Where facing a public street, exterior walls of a structure must be faced with at least eightyfive percent (50%) high-quality traditional materials. In all other locations, exterior walls must be faced with at least fifteen percent (15%) high-quality traditional materials.

a. High-quality traditional materials include brick, ceramic tile, clapboard, glass, granite, logs, rock, stone, terraotta, and wood. Other materials shall qualify if determined by the Commission to be of high quality and commonly traditionally used in downtown environments on visible façades. Fire-resistant or energy efficient alternatives to the aforementioned high-quality traditional materials are acceptable provided that the alternatives are generally indistinguishable from the actual materials.

A.b. High-quality traditional materials shall not include vinyl siding, tilt-up concrete walls, or metal. The Planning & Zoning Commission is authorized to grant exceptions this section when it can be demonstrated that the modification of existing structures to bring the property into compliance with this section is unreasonable. High-quality traditional materials shall not include vinyl siding or corrugated metal.

CHAPTER 8 ~~LB/R~~NMU LIMITED

BUSINESS/RESIDENTIAL NEIGHBORHOOD MIXED USE DISTRICT

10-8-1: PURPOSE:

Updated purpose statement to more clearly identify the intent of the zone.

The purpose of the ~~Limited Business/Residential District~~ Neighborhood Mixed Use District is to provide for a lively mix of uses within a traditional neighborhood form. Single-family residences, small scale multi-family residences ~~gentle density~~, and compatible business uses are intended to mutually ~~thrive~~ exist in this zone where good quality design and walkability are emphasized. ~~designate space and permit and protect limited business uses and residential use of these properties from other noncompatible uses and provide a buffer between the Business District on Main Street and the General Residential District that begins on the east side of 2nd Street and runs to the eastern borders of the City. The theme the City wishes to generate over time is a "pedestrian friendly" area where residences may be adapted to business use, and where businesses of moderate size and scale have the appearance of homes.~~

10-8-2: PERMITTED USES:

Permitted uses in the NMU zone are generally limited to very low impact uses consistent with the existing and desired characteristics of 2nd Street.

Permitted uses for this district are limited to the following:

Cafes and restaurants

Community and Cultural Facilities

Galleries

Museums

~~Agriculture limited to small gardens or orchards for personal use. The keeping of farm animals including, but not limited to, horses, pigs, sheep, and cows will not be permitted except as grandfathered for such existing uses prior to the effective date hereof.~~ Urban Agriculture

~~Business and professional offices including, but not limited to, legal, medical, dental, tax consulting and preparation (CPA), and other similar businesses.~~ Offices

~~Home occupations as defined in sections 10-2-1 and 10-14-3 of this title.~~

Multi-~~ple (two)~~ family dwellings, up to four (4) units, including duplexes and townhouses. The minimum lot size for these applications shall be not less than twelve thousand (12,000) square feet.

Neighborhood Grocery Store

Nursery ~~schools for children~~ for Children.

~~Nursing or assisted living homes on a small scale.~~

~~Parks and playgrounds.~~ ublic Spaces

Personal ~~S~~services as defined in section 10-2-1 of this title.

Religious Facilities

Restaurants

~~and bed and breakfast tourist homes with exceptions. No restaurants or other businesses shall have vehicle drive-through services.~~

Retail stores such as ~~antique stores.~~

Retirement Facility, Recovery Residence, Nursing Home, Group Living, or Similar

Single-family dwellings. ~~(Ord. 2015-02, 4-20-2015)~~

10-8-3: ACCESSORY USES:

ADU standards are simplified, but similar to what is existing.

A. The accessory uses for this district include the following:

~~Accessory dwelling unit: One accessory dwelling unit for each six thousand (6,000) square feet of lot area; provided, that it is:~~

~~1. In the same building as the business use of the property and is clearly ancillary and secondary to the primary use.~~

~~2. Is of less square footage than the primary use of the building~~

3. ~~Is in the back of and/or on an upper floor of the building so as not to adversely reduce the ground level, street frontage business space available.~~

4. ~~Accessory dwelling units are subject to administrative design review approval.~~

930 ~~Accessory dwelling units are subject to a separate water and sewer capitalization fee from the primary structure in accordance with Title 8 of this Code. One accessory dwelling unit for each three thousand (3,000) square feet of lot area; provided, that it:~~

1. Is eight hundred (800) square feet or less in total floor area.

935 ~~5.2. Is subject to a separate water and sewer capitalization fee from the primary structure in accordance with Title 8 of this Code.~~

Accessory/garden buildings and other storage buildings not to exceed two hundred (200) square feet.

Detached garages for vehicle storage up to six hundred (600) square feet per six thousand (6,000) square foot lot. If additional lot(s) are included, the garage square footage may be increased by
940 one hundred (100) square feet for every three thousand (3,000) square feet of additional land included, up to a maximum of one thousand two hundred (1,200) square feet.

Storage of boats, campers, and travel trailers by resident owners in off street parking areas.

Temporary buildings incidental to construction work on the premises; such buildings to be removed upon completion of construction work.

945 Urban Agriculture

B. All accessory uses within this district must be accompanied by a permitted primary use on the property.

10-8-4: CONDITIONAL USES:

A very limited set of potential uses.

Conditional uses in this district are limited to the following ~~for this district~~. Conditional uses shall be judged by the standards and criteria of this title and factors including, but not limited to, traffic generated, impact on infrastructure, safety, and noise.;

Bars

Churches/Religious Facilities

Parking lots not associated with a structure;

Public Utility and Public Service Facilities: ~~Essential public utility and public service installations and facilities for the protection and welfare of the surrounding area; except, that high traffic generating business offices are not permitted. Repair and storage facilities associated with these applications will not be permitted.~~

10-8-5: DIMENSIONAL AND BULK STANDARDS:

Simplified standards, and setbacks more in alignment with the historic homes along 2nd Street.

The minimum dimensional and bulk standards for limited business and residential applications in this district are the following:

F. Minimum Lot Width and Area: The minimum lot width shall be fifty feet (50'), and the minimum lot area shall be six thousand (6,000) square feet. ~~Lot Area: The minimum lot area in this district shall be six thousand (6,000) square feet. One single-family dwelling shall be permitted for each six thousand (6,000) square feet.~~

G. Building Area: ~~No building shall exceed three thousand (3,000) square feet gross floor area on a single six thousand (6,000) square foot lot. Credits for additional land area shall be two hundred fifty (250) square feet of gross floor area for each additional three thousand (3,000) square feet of land, providing for up to a maximum of four thousand (4,000) square feet gross floor area.~~

H.A. Lot Width: Fifty feet (50') for single lot business or residential applications and one hundred feet (100') for two (2) lot or multiple (two) family dwellings.

B. Building Setbacks:

I.—~~Front Setbacks: The front setback shall be fifteen feet (15') except for a front porch, for which the front setback shall be eight feet (8')~~~~Front Yard:-~~ Front porches between fifteen feet (15') and eight feet (8') from the front property line may be covered but not enclosed, and shall not exceed fifteen feet (15') in height.~~The distance of any building shall be twenty five feet (25') from the front yard lot line to the extremes of the building (such as roof overhang).~~ Within the original platted part of the City, the front yard is defined as the opposite end of the lot from the platted alleyway.

1.

1.—~~Side Yards and Rear Setbacks: The distance of any building from each side lot line shall be six feet (6') and shall be measured from the extremes of the building.~~ Side and rear setbacks shall be six feet (6'). Side setbacks may be reduced to four feet (4') with design review approval.

2.

J.—~~Rear Yard: The distance of any building from the rear lot line, or the side adjoining the alleyway, shall be six feet (6') measured from the extremes of the building.~~

K.—~~Safety And Vision: There shall be nothing that would possibly obstruct the view of a motorist or pedestrian placed closer than fifteen feet (15') from the corner of a lot adjoining a street intersection. Any fences, shrubs, or other objects that are placed within this area or on property lines shall not exceed a height of three and one half feet (3 1/2') for a distance of thirty feet (30') from the corner of the lot. The branch overhang of any trees planted or existing within this area shall be maintained at a height of not less than ten feet (10') above the ground.~~

L.3. Multiple (Two) Multi-Family Residences Dwellings: Minimum front, side and rear yards setbacks ~~for a townhouse development or a duplex~~ for multi-family dwellings shall meet the same setback requirements as indicated in this section; except that, townhouse units shall be allowed zero setbacks from the common wall lot lines created by a townhouse subplot.

1005 ~~M. Nonconforming Building Setbacks: Any building that does not comply with the setback requirements of this section may be expanded and otherwise improved, provided such expansion or improvement does not encroach within any required setback and does not increase the degree of nonconformity.~~

C. Building Height: No building shall be more than two (2) stories above ground level or thirty five feet (35') in height. No accessory building shall be more than twenty feet (20') in height, excluding structures containing accessory dwelling units.

1010 D. Parking Requirements:

1. Parking Minimum: Standard parking requirements are established by Chapter 21 of this title. A reduction of the number of parking spaces required may be approved by the Commission in accordance with the following provisions. The reduction of parking due to any one of the following provisions shall not preclude the gaining of approval for another or remainder of the provisions.

a) Parking Reductions for Non-Residential Uses: The minimum number of parking spaces required by Chapter 21 of this title may be reduced by up to fifty percent (50%).

3. Parking Maximum: Off-street parking on any site shall not exceed one hundred fifty percent (150%) of the parking amount required by Chapter 21 of this title, except when a Joint Use agreement is approved in accordance with Section 10-21-3 of this title.

4. Parking location: Parking (including garages for dwelling units) shall be located to the rear or interior side of the structure(s). Exceptions may be granted through design review in instances where the location of existing structures precludes the use of the rear portion of the property for parking. In such instances, the Commission must make a finding that pedestrian and visual impacts have been minimized.

E. Maximum Density: The maximum density of dwelling units, regardless of the type or classification thereof, may not exceed one (1) dwelling unit per two thousand (2,000) square feet of lot area on any one parcel.

1030 **10-8-6: DESIGN STANDARDS AND REQUIREMENTS**

D. Pedestrian Entrance Number and Location:

1. Each structure must be provided at least one (1) usable pedestrian entrance. Pedestrian entrances must be visible and accessible from the street.

1035 E. Dumpsters and trash cans: These shall be fully contained within an enclosure and sited away from pedestrian thoroughfares when possible. Consolidated enclosures serving multiple buildings are encouraged and may be required by the Commission when multiple buildings are proposed as part of one development.

1040 C. Visual Transparency: Where facing a public street, the ground floor of each structure must be at least fifteen percent (15%) visually transparent within the area between three feet (3') and eight feet (8') in height along the building facade. Each successive floor which faces a public street must be at least ten percent (10%) transparent.

1. Visual transparency may be provided by non-opaque windows, non-opaque doors, patios, or balconies.

1045 D. Blank Walls: Where the ground floor of any structure faces a public street or public space, blank walls over twenty feet (20') in width shall be prohibited.

E. Materialsity: Where facing a public street or public space, exterior walls of a structure must be faced with at least eighty percent (80%) high-quality traditional materials. In all other locations, exterior walls must be faced with at least twenty five percent (25%) high-quality traditional materials.

1. High-quality traditional materials include brick, glass, granite, logs, rock, stone, and wood. Other materials shall qualify if determined by the Commission to be of high quality and traditionally used in the vicinity of the property.
 2. High-quality traditional materials shall not include vinyl siding, tilt-up concrete walls, or metal. The Planning & Zoning Commission is authorized to grant exceptions this section when it can be demonstrated that the modification of existing structures to bring the property into compliance with this section is unreasonable.
- 1055

F. Landscaping: For any parcel wherein a major improvement occurs;

1. No fewer than one (1) tree shall be provided per one thousand five hundred (1,500) square feet of lot area.
2. No more than fifty percent (50%) of the lot area not occupied by any structure may be utilized for non-native or non-drought resistant landscaping ~~high consumption ground cover.~~
3. Artificial grass turf may not be used on any front or side yard adjacent to the street.

N. —

~~10-8-6: PARKING:~~

~~All buildings shall be placed on a lot so that there shall be adequate parking for no fewer than two (2) cars placed exclusively on the private property. The maximum area for parking shall be four (4) spaces for a single family residence and six (6) spaces for a multiple (two) family townhouse. All limited businesses shall provide adequate parking for the specific business type applied for. City street or alley rights of way shall not be included. See chapter 21 of this title for dimensional standards and definitions. Specific to the LB/R Limited Business/Residential District, the following shall apply:~~

— Type Of Use	— Number Of Parking Spaces
— Bed and breakfast	— For boarding or rooming houses, 1 per each sleeping room or every 3 beds, whichever is greater
— Medical/dental offices	— 1 per each 200 square feet of net floor area used by patrons, plus 1 per employee on duty

—Nursing homes	—1 per each 3 beds
—Restaurants	—For small restaurants, 1 per each 250-square feet of net floor space used by patrons, plus 1 per employee on duty
—Retail	—For basic retail stores, 1 per each 500-square feet of net floor area used by customers or patrons, plus 1 per every 750-square feet of net storage area, plus 1 per employee on duty
—Other	—Parking shall be as set forth in chapter 21 of this title

CHAPTER 14 GENERAL ZONING PROVISIONS

10-14-10: HOUSING INCENTIVES

New section outlining when development may be able to utilize incentives for providing local housing units.

A. Purpose: The purpose of this section is to encourage housing development that serves Bellevue's economy and to enable the provision of a variety of housing types for current and future residents.

B. General provisions:

1. Deed restricted local housing units in a development shall be mixed with, and not clustered together or segregated in any way from, market-rate units.

2. Unless otherwise exempted in this section, all developments shall meet the dimensional and other standards of the zone involved.

C. Incentives:

1. In the DT zoning district, the following incentives may be applied:

<u>Incentive</u>	<u>Requirement</u>
<u>Maximum building height increased to forty-five feet (45') or three (3) stories. See Note (a) following this table.</u>	<u>At least twenty-five percent (25%) of the residential square footage in the development must be within deed restricted local housing units.</u>
<u>Maximum building height increased to sixty feet (60') or four (4) stories. See Note (a) following this table.</u>	<u>At least fifty (50%) of the residential square footage in the development must be deed restricted local housing units.</u>
<u>Reduction of one (1) required parking space</u>	<u>For each deed restricted local housing unit.</u>

- a) Where facing a public street or public space, the third (3rd) story of any structure within the DT zoning district shall feature a step-back of ten feet (10') from the edge of the façade of the second (2nd) story. The fourth (4th) story shall not require a further step-back but must maintain that of the third (3rd) story. Decorative façade elements may encroach upon the required step-back up to two feet (2').

2. In the HB zoning district, the following incentives may be applied:

<u>Incentive</u>	<u>Requirement</u>
<u>Reduction of one (1) required parking space</u>	<u>For each deed restricted local housing unit.</u>

CHAPTER 15 CONDITIONAL USE PERMITS

1095 10-15-1: PERMIT REQUIRED:

A. It is recognized that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. In order to protect the public welfare and ~~guarantee~~ensure conformance with the Comprehensive Plan, permits are required for such uses upon review by the commission.

1100 B. In any zone, a conditional use permit shall be required for "aquaculture", which is defined as the commercial raising of fish in a fish hatchery. The operation of a processing plant shall be considered a conditional use and must be secondary to the fish hatchery. (Ord. 2015-02, 4-20-2015)

10-15-3: STANDARDS OF EVALUATION:

1105 *The changes to this chapter would make the Common Council the deciding body on Conditional Use Permits.*

The ~~e~~Commission shall review and recommend to the Council whether the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1110 A. Will, in fact, constitute a conditional use as established for the zoning district involved;

B. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Comprehensive Plan and/or this title;

C. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use
1115 will not change the essential character of the same area;

D. Will not be hazardous or disturbing to existing or future neighboring uses;

E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and

1120 schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

F. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;

1125 G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water pollution or safety hazards;

H. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares;

1130 I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and

J. Will be adequately screened from public ways and neighboring properties by means of fencing or landscaping. (Ord. 2015-02, 4-20-2015)

10-15-4: PUBLIC HEARING AND NOTICE:

Updated to reference consolidated public notice procedures section.

1135 A. Each application will be reviewed at a public hearing, noticed as required by Section 10-3-2(I) of this Title., ~~for which adequate public notice will be given.~~

B. A completed application will be heard by the commission at a public hearing within forty five (45) days of its receipt.

1140 ~~C. Notice of time, date, and place of the hearing and a summary of the proposal shall be given by one publication in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing, by mailing such notice to all property owners within three hundred feet (300') and by posting such notice on the property.~~

~~D. The Administrator shall also give notice by United States mail to each property owner whose name appears on the list accompanying the application, giving the time, date, and place of~~

1145 ~~the hearing, the relief sought, the identification of the property under consideration, and such~~
~~other facts as may be prescribed by the Administrator. Individual mailings may be waived when~~
~~the aforementioned list includes the names of more than two hundred (200) property owners or~~
~~residents.~~

1150 ~~—E. In any public hearing on a conditional use permit application, the presiding officer may~~
~~order the hearing to be continued up to fifteen (15) days at the same place, in which case, no~~
~~further published notice shall be required.~~

10-15-5: ACTION BY COMMISSION AND COUNCIL; NOTICE OF DECISION:

Updated to reflect process.

1155 A. The commission shall provide a recommendation to the Council, documented in~~enter an~~
~~order recommending approving, conditionally approving, or disapproval of~~ing the application
within fifteen (15) days after conclusion of the public hearing, together with the reasons therefor.
The Bellevue Common Council shall conduct a duly noticed public hearing and enter an order
approving, conditionally approving, or disapproving the application. Conditional uses are subject
to the conditions specified prior to issuance of their permits. Conditions which may be attached
1160 include, but are not limited to, those which will:

1. Minimize adverse impact on other development.
2. Control the sequence, timing, and duration of development.
3. Assure that development is maintained properly.
4. Designate the exact location and nature of development.
- 1165 5. Require the provision for on site or off site public facilities or services.
6. Mitigate foreseeable social, economic, fiscal, and environmental effects.
7. Require more restrictive standards than those generally required in this title.

B. The Administrator shall give the applicant written notice of the commission's decision by
mail within ten (10) days after the commission has reached a decision. (Ord. 2015-02, 4-20-
1170 2015)

CHAPTER 17 DESIGN REVIEW

10-17-3: DESIGN REVIEW APPROVAL REQUIRED:

Updated to allow administrative approval for small projects.

- 1175 A. Business, Limited Business/Residential, Light Industrial, Light Industrial/Mixed
Business, And Transitional Districts: No person shall commence construction repairs on
any new building, or placement of any building upon property, or construction of any
addition, alteration, or change to or demolition of the exterior of any building, excluding
necessary maintenance, within the Business Zoning District, Limited
1180 Business/Residential Zoning District, Light Industrial/Mixed Business Zoning District,
Light Industrial Zoning District, or Transitional Zoning District in the City without first
receiving applicable design review approval as required by this chapter. No application
for a building permit, demolition permit or other permit shall be received or such permit
issued by the City for such construction or other work, excluding necessary maintenance,
until design review approval has been obtained as applicable herein.
- 1185 B. Change Of Use: Change of use shall require an approved large scale conditional use
permit for any building exceeding a twenty eight thousand (28,000) square foot building
per parcel or lot and shall be in compliance with defined uses per sections 10-7-2 and 10-
7-4 of this title and shall comply with chapter 16 of this title.
- 1190 C. ADU (Accessory Dwelling Unit), Multi-Family And Townhouses In All Zoning
Districts: No person shall commence construction or placement of any ADU, multi-
family dwelling or townhouse, or make any addition, alteration or change to the exterior
of any such building, or commence demolition, excluding necessary maintenance thereof,
within any zoning district within the City without first having obtained design review
approval therefor under the procedures, requirements, standards and criteria of this
1195 chapter. The design review application shall provide all the information required in
section 10-17-4 of this chapter. In order to receive approval, the application shall meet
the standards and criteria set forth in subsections 10-17-5A1 through A10, inclusive;
subsections 10-17-5B1b through B1d; and subsections 10-17-5C1 through C7, inclusive,
of this chapter.

1200 D. The Administrator may review and approve the following Design Review applications:

a. Exterior modifications to existing structures, including lighting.

b. Accessory dwelling units

c. Accessory structures and additions to existing buildings less than two hundred (200) square feet.

1205 ~~C.~~d. Landscaping and site modifications involving no structures.

10-17-4: APPLICATION PROCEDURE:

Updated to be consistent with electronic submittals and to require public hearings for Design Review applications.

1210 ~~Θ.A.~~ The following materials and information, together with the application form and fees, shall constitute a complete application for design review and shall be filed by the applicant prior to consideration of the application by the commission:

1. Site map of the property upon which the proposed construction is to occur shall be submitted in sufficient detail to show the following:

a. Exterior boundary lines of the property, together with dimensions.

1215 b. Location of proposed and existing structures, with dimensions thereof, showing the setback of each structure from the nearest property line.

c. Location of on site parking spaces, ADA accessible spaces, loading zones and access thereto, including the dimensions of the spaces and the width and length of access.

1220 d. Location and dimensions of snow storage areas.

e. Location of dumpster and/or garbage can storage areas including the dimensions and proposed fencing or other screening.

f. Designation of the zoning district in which the project is located.

1225

g. Location of vehicular and pedestrian circulation patterns, easements and proposed improvements with regard thereto.

h. Contour lines of five foot (5') intervals to show proposed slope and topography of the property.

1230

i. Location of existing and proposed adjacent street rights-of-way, fire hydrants, sewer lines, water lines and other utilities, and plans for the separate connection to and extension of each utility to each unit or building.

j. Indication of direction of snow slide from the roof and drip line of all buildings.

k. Location of existing structures on adjacent properties.

l. Location of on site trash and personal property storage.

1235

m. One large vicinity map and one reduced vicinity map depicting adjacent streets, floodplains, and applicable zoning and comprehensive land use designations.

7.2. Preliminary schematic drawings of the proposed construction shall be submitted to show the following:

a. Floor plan at not less than one-eighth inch (1/8") scale.

1240

b. ~~Seven (7) reduced scale~~ Exterior elevations with facades and other exterior elements shown in color.

c. Type and color of exterior materials and roofing, with samples thereof.

d. Location and type of exterior lighting.

e. A colored model for all new buildings not including additions or buildings less than three thousand (3,000) square feet.

1245

4. Landscape plan and legend shall be submitted in sufficient detail to show the following:

a. ~~One large and seven (7) p~~Proposed landscape plans of the project including calculations depicting percentage of land area being landscaped, types and size of trees, ground cover and other vegetation.

- 1250
- a. Proposed excavation or land fill including resulting slope grades.
 - b. Location and height of walls or fences.
 - c. Drip or other low consumption irrigation system for landscaping.
 - d. Drainage plan including off site improvements.

1255

~~e. Street trees shall be a minimum of three inch (3") caliper and planted at spacing not less than one tree for every thirty five feet (35') of public street right of way, excluding alleys. All trees shall comply with the Bellevue Street Tree Guidelines, and an approved encroachment permit shall be obtained from ITD or the City.~~

1260

~~A. The applicant shall file the application form and fees, together with the materials required by subsection A of this section, with the City Planning and Zoning Administrator not less than fifteen (15) days prior to a regularly scheduled meeting of Planning and Zoning Commission. Prior to the meeting or thereafter, the applicant shall provide such other information as may be reasonably requested by the commission or by the Administrator. Construction plans or working drawings are not required prior to design review, but will be at the time of a building permit.~~

1265

~~B.A.~~ At a noticed Planning and Zoning Commission meeting, the application shall be presented, together with required materials and information. ~~A design review application is not a public hearing~~The hearing shall be noticed in accordance with Section 10-3-2(I) of this title. The commission shall be briefed of the application by staff, receive comment from the applicant, and may take public comment from interested persons. ~~The~~

1270

commission shall approve, deny or conditionally approve the application based on design review standards and criteria, and notify the applicant of the commission's decision by the close of the commission's next noticed scheduled meeting, not to exceed thirty (30) days from the design review meeting, except the commission may table an application

1275 until it receives requested information, or for additional review due to the complexity of
the application, or problems with regard thereto. (Ord. 2015-02, 4-20-2015)

10-17-5: DESIGN REVIEW STANDARDS AND CRITERIA:

1280 *Strengthens Planning & Zoning Commission's powers to determine suitable design, improved
snow storage standards, eliminates strict adherence to 1880-1910 architectural design,
eliminates minimum setback on Main Street.*

1285 The following list of design review criteria shall be met by each applicant seeking design review
approval. The Planning and Zoning Commission shall use said criteria to determine whether a
project is to be approved or denied. ~~A building which is allowed by right in this title may be
reduced in bulk, height or other physical dimension by requirement of the commission only if
found necessary to protect the public health, safety and/or welfare.~~ If a development project is to
be built in phases, each phase shall be subject to the design standards and criteria described in
this section, and each phase independently shall meet said criteria and standards.

A. Site Planning:

- 1290 1. Buildings shall be situated in a manner that preserves existing land forms, trees and other
significant vegetation and shall not interrupt waterways or change other natural drainage
patterns in a manner which adversely affects adjacent property. Removal of existing trees
of greater than six inch (6") caliper is subject to review.
- 1295 2. Buildings shall be sited so that their form does not break prominent natural ridge lines.
3. Buildings and parking areas shall be clustered to provide for more usable open space. All
accesses from alleys shall require improvements installed by the applicant/owner when
applicable including, but not limited to, an asphalt surface or compacted gravel surface as
determined by the City Public Works Department. The applicant/owner shall be
responsible for relocation of applicable City services/utilities, repair of any damaged City
services, snow plowing and snow removal.
- 1300 4. The alignment of roads and driveways shall follow the contours of the site, and cuts and
fills shall be minimized.

5. Retaining walls shall be discouraged, and such walls over three feet (3') high shall be stepped to form a number of benches to be landscaped.

6. Exterior lighting systems shall not create glare nor cast light on neighboring properties. Night lighting shall be only what is needed to promote safe use, preferably with energy conserving lighting of low intensity.

7. A snow storage plan, as a component of the site plan, is required. The plan shall comply with the following requirements:

a. Use of sidewalks and required parking areas for snow storage is prohibited.

b. Snow storage within one hundred feet (100') of stream banks is prohibited.

c. Use of landscaped areas for snow storage may be allowed under the approved snow storage plan, provided that the landscaping is salt tolerant and can tolerate the weight of stacked snow.

d. Snow storage areas shall be incorporated in site design as well as designs that anticipate snow shedding areas.

e. Snow storage areas shall not adversely affect neighboring properties.

f. Building design shall prevent water from dripping or snow from sliding on pedestrian areas, entrances of buildings, garages and adjacent properties.

g. Snow storage areas for parking lots containing twenty (20) spaces or more shall be located on site in an amount which is equal to at least one-third (1/3) of the hard surfaces proposed with the project. The one-third (1/3) amount may be reduced by the use of a snowmelt system, or for good cause demonstrated.

g.h. Where snow storage areas are adjacent to fences or walls, the fences or walls shall be constructed of textured concrete or other suitable materials to withstand snow stacking and removal operations.

~~h.i.~~ Where snow storage areas cannot be provided on site because of existing buildings or approved building design, an adequate snow hauling plan shall be submitted for and subject to approval by the Planning and Zoning Commission.

The Planning and Zoning Commission may impose such restrictions on snow removal operations as are necessary to reduce the effects of noise or traffic on surrounding areas.

8. Visual impact of on site parking, service, trash and loading areas shall be minimized whenever possible by locating these areas to the rear of the building and providing screening with landscaping or fences from adjacent properties and public ways.

9. Adequate enclosed on site storage for trash shall be provided for each unit of accessory dwelling units, multi-family and townhouses.

10. All utilities shall be installed underground in accordance with the City standards and in a manner and location approved by the City Engineer.

11. Building and parking areas shall be designed to provide proper ingress and egress; safe, adequate and efficient pedestrian and vehicular traffic circulation; and the efficient and safe arrangement of on site parking, building location, and circulation.

~~12. Multi-family and townhouses shall provide a minimum of two (2) on-site parking spaces for each unit. Accessory dwelling unit parking requirements shall be one off street parking space for a one bedroom ADU and two (2) parking spaces for ADUs with two (2) to three (3) bedrooms.~~

~~13.~~ 12. Adequate unobstructed access for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project shall be provided.

B. Architecture:

1. Generally:

~~a. Building and shopfront design and construction shall reflect historical architecture styles and shall incorporate building materials, architectural design and features representative of that historical period in Bellevue between 1880 and 1910. That~~

architectural style includes frame and brick construction, frame and shiplap siding construction, horizontal log construction, and similar westward expansion motifs. Also, building design and construction shall preserve and incorporate any such existing structures and features, signage, exterior fixtures and other items from that period.

~~b.~~a. A building exceeding eight thousand five hundred (8,500) square feet of building coverage shall incorporate a change in facade design, materials, color and/or height, or a combination thereof, that such building appears to be more than one building. These changes shall occur at a minimum of every fifty feet (50') of wall facade visible by the general public and at the ceiling line of the first floor on two-story buildings. In addition, the facade shall change in depth a minimum of two feet (2') at each such change in facade.

~~c.~~ All buildings in the B Business District shall have a minimum setback from wall/foundation to property line adjacent to Main Street/Highway 75 of three feet (3'), providing an area for covered seating, planters, special event advertising units and displays of merchandise, in addition to the specified requirements of subsection B1b of this section.

~~d.~~b. All exterior mechanical equipment shall be screened on all sides with materials and colors matching the approved structure.

~~e.~~c. Mechanical equipment and solar panels shall be hidden or de-emphasized.

~~f.~~d. Metal siding shall not be permitted on buildings on parcels of real property abutting Main Street (State Highway 75) unless deemed appropriate by the Planning and Zoning Commission. All such buildings shall be constructed of or faced with materials that are similar in texture, finish, and appearance to natural materials. The use of natural materials such as wood, brick and stone shall be encouraged, and exterior wall colors shall be of natural earth tones.

~~g.~~e. Exterior lighting systems shall not create glare nor cast light on neighboring properties. Night lighting shall be only what is needed to promote safe use, preferably with energy conserving lighting of low intensity.

~~h.f.~~ Accessory dwelling unit sizes shall comply with ~~section 10-2-1 of this title~~the requirements of the zoning district in which they are located.

2. Multi-Family And Townhouses: Multi-family and townhouses shall maintain traditional rural, small town development patterns and architectural styles in keeping with the existing character of the area and location of the site. Multi-family and townhouse design, style, scale, and aesthetics shall blend with its neighborhood. There shall be no repetitive side by side development of buildings. The City is looking for individual buildings by varying types and styles to make for a pleasant streetscape experience.

3. Accessory Dwelling Units (ADUs): ADUs shall maintain traditional rural, small town development patterns and architectural styles in keeping with the existing character of the area and emulate the primary structure of the site. Design, style, scale, and aesthetics shall blend with its neighborhood. Building materials and exterior architectural design shall be reflective of existing structures on the subject site and take into consideration the architectural style and materials of the general vicinity.

C. Landscaping; Parking; Lighting:

1. Exterior light fixtures and signs shall be nonglaring in design and installation so as not to adversely affect adjacent properties and public ways.

2. The design of fences, walls and retaining walls shall harmonize with the site and buildings in scale as well as in materials.

3. Preservation of significant natural features such as water, view, topography, and vegetation shall be incorporated in the landscape plan.

4. Site conditions, drought tolerance and local hardiness shall be considered to select appropriate plant species, including grasses for lawn areas.

5. Landscaping shall provide a substantial buffer between incompatible land uses and shall be used to screen from view and to mitigate visual impact of parking areas, loading areas, and garbage containers from adjacent properties and public ways.

- 1410 6. Installation of adequate drip or other low consumption irrigation systems shall be required. Landscaping shall be properly irrigated and maintained, and landscaping, or any portion thereof, shall be replaced when it dies or is otherwise destroyed.
7. Adequate drainage shall be provided on site.
- 1415 8. A minimum of ten percent (10%) of the parking area of parking lots with twenty (20) spaces or more shall be landscaped with islands, dividers, or a combination of the two. Parking lots with twenty (20) spaces or more will have a minimum of fifty percent (50%) of the required landscaped area installed adjacent to Main Street/Highway 75 unless otherwise approved by the commission due to extensive curb cuts and vision safety concerns.
- 1420 9. All public rights-of-way adjacent to subject property including alleys shall be improved with, but not limited to, asphalt/concrete/compacted gravel, and applicable curbing, gutter, drainage, ADA standards, lighting, sidewalks and striping as recommended by the Public Works Director.
- 1425 10. Street trees shall be a minimum of three inch (3") caliper and planted at spacing not less than one tree for every thirty five feet (35') of public street right-of-way, excluding alleys. All trees shall comply with the latest adopted City of Bellevue Tree Guidelines.
- 1430 D. Curbs, Gutters, Sidewalks And Street Tree Requirements: Within the B Business, LB/R Limited Business/Residential, LI/B Light Industrial/Mixed Business and LI Light Industrial Zoning Districts, curbs, gutters, sidewalks and street trees are required and shall be installed along the street frontage of each lot or parcel of real property upon which a new building or a "major addition" (defined as requiring a building permit and having a cost of construction exceeding \$50,000.00) is constructed. Such improvements shall be constructed in accordance with the applicable construction standards and
- 1435 ordinances of the City. (Ord. 2015-02, 4-20-2015)

CHAPTER 21 OFF STREET PARKING AND LOADING

10-21-2: GENERAL PARKING AND LOADING REQUIREMENTS:

Minor adjustments to reflect potential multistory, mixed use buildings and requires higher quality surfacing in Business zones.

1440 A. Design And Location Of Parking And Loading Areas:

1. Whenever a new parking or loading area is located in or adjacent to a residential area, it shall be effectively screened on all sides that adjoin or face any property used for residences on the ground floor by a wall, fence, or planting screen not less than ~~four~~six feet (46') in height.

The space between such fence, wall, or planting screen and the lot line of the adjoining premises
1445 in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition.

2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than four hundred feet (400') from such use, provided such parking shall not be located in a residential zoning district.

1450 3. Parking spaces for apartments, dormitories, or multi-family dwellings shall be located not more than three hundred feet (300') from such use.

B. Access: All spaces must have unobstructed access to and from streets or alleys by means of a driveway not less than ten feet (10') wide. The total ~~length-width of curb cuts~~access points onto any one street shall be limited to twenty feet (20'), except there shall be no limitation for parking
1455 accessed from an alley. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.

C. Surface And Drainage: Off street parking and loading areas shall be surfaced with asphalt, concrete, compacted gravel, crushed rock, or other dust free durable material. Compacted gravel
1460 or crushed rock surfacing shall not be permitted in the DT – Downtown or HB – Highway Business districts. Drainage of surface water adequate to prevent flows of water onto adjacent properties or walkways shall be provided.

D. Increase In Intensity Of Use; Change Of Use: When the intensity of any use of any building, structure, or premises is increased through the addition of dwelling units, net floor area, seating capacity or other units of measurement as specified in this title, parking and loading facilities as required herein shall be provided for such increased intensity of use. If the building was erected prior to the effective date hereof, additional parking and loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use. No required off street parking space may be converted to any other use unless an equivalent amount of additional parking space is provided.

10-21-3: ADDITIONAL PARKING REQUIREMENTS:

A. Parking Space Dimensions: The minimum parking dimensions are as follows:

Angle	Width	Length	Aisle Width
90°	9.0'	19'	24'
60°	9.0'	21'	16'
45°	9.0'	19.8'	15'
Parallel	8.0'	23'	14'

B. Lighting: Any lights used to illuminate a parking area shall be ~~downcast and arranged such that adjoining property will not be affected, and shall be in conformance with all other lighting regulations~~ in accordance with Chapter 10-22B of this Title.

C. Joint Use: When times of use for several buildings do not normally overlap, off street parking may be provided collectively and used jointly after obtaining approval from the Council. Such joint use shall be evidenced by a recorded agreement between the property owners and the City, which shall be approved by the City Attorney.

D. Curbside Parking Is Counted: All existing improved parking spaces along the public rights-of-way adjacent to a parcel of real property shall be counted toward the on site parking requirements of such parcel set forth in this title, provided such parking spaces are asphalt and

1485 have curbs, gutters, sidewalks and drainage facilities installed in accordance with the City street standards ordinance, and subsequent amendments thereto.

E. Credits For On Street Parking Improvements:

1490 1. Nonresidential uses within the Business Zoning Districts and ~~Limited Business/Residential~~ Neighborhood Mixed Use Zoning District may improve City public street rights-of-way within said zoning districts within six hundred feet (600') of the real property on which the use is located and may be credited with one on site parking space for each two (2) on street parking spaces created by that right-of- way improvement as provided in this subsection.

1495 2. Any real property or business owner wishing to construct such on street parking improvements shall make written application to the Common Council. The application shall include construction drawings of the proposed improvements stamped by a civil engineer licensed in the State of Idaho. The application form shall be furnished by the City, and the applicant shall provide all other information as may be reasonably required by the City. The applicant shall also reimburse the City for all engineering costs incurred by the City in the review of the application prior to final consideration of the application by the City. The Council shall determine the location of new parking spaces to be created by such on street parking
1500 improvements. Such on street parking requirements shall include concrete curbs, gutters and sidewalks, asphalt paving, storm drainage, street trees and irrigation, parking lines, street lighting and any other improvements considered necessary or appropriate by the Council. The location of the construction of such on street parking improvements shall begin at street corners and thereafter be constructed in a continuous manner. If construction of such on street parking
1505 improvements begins at a corner, then the applicant shall improve the entire corner to the point where parking spaces may begin again. The Administrator shall give notice by United States mail to each property owner within three hundred feet (300') of the external boundaries of the land being considered for parking improvements of the date of the meeting at which the City Council shall consider the application.

1510 3. All on street improvements for parking spaces shall be constructed in accordance with the City street standards ordinance and other applicable City standards.

4. No parking created within any public right-of-way shall be held or used for the exclusive parking of any business or property, but shall be open to the use by the general public subject to the police powers of the City and Idaho Transportation Department. (Ord. 2015-02, 4-20-2015)

1515 **10-21-4: NUMBER OF PARKING SPACES:**

Updated to include multifamily residential parking requirements.

Every use shall provide at least the minimum number of parking spaces required for that use based on the formula listed in this section. Off street parking spaces, each containing at least one hundred eighty (180) square feet or as set forth in subsection 10-21-3A of this chapter shall be
1520 required in all districts for residential, commercial, industrial, and institutional uses, as follows. All areas counted as off street parking space shall be unobstructed and free of other uses and shall be located totally outside of any street or alley right-of-way. Parking requirements for a use not specifically mentioned shall be the same as for a use specified below which has similar traffic generating characteristics, as determined by the Planning and Zoning Administrator or
1525 Commission. Where the number of parking spaces required by this chapter is a fractional number, the number of parking spaces required shall be rounded down to the next whole number.

A. Residential Uses: The following are the off street parking requirements for residential uses in all zoning districts:

Type Of Use	Number Of Spaces Required
<u>Accessory Dwelling Units</u>	<u>1 space per bedroom, up to 3</u>
Boarding and rooming houses, ADUs, dormitories	1 space for each sleeping room or every 3 beds, whichever is greater
Duplexes and townhouse <u>twin house</u> developments	2 spaces for each residential unit
Manufactured/mobile home parks	2 spaces for each mobile home
Single-family residences	2 spaces minimum with a maximum of 5 spaces
<u>Multi-family residences</u>	<u>1.5 spaces for each residential unit</u>

B. Business District Uses: The following are the off street parking requirements for the uses within the Business Zoning District:

Type Of Use	Number Of Spaces Required
For all uses not listed in this subsection	1 space for every 800 square feet of net floor area
Auditoriums, arenas, theaters	1 space for each 4 persons at the rated maximum occupancy of the building (per Fire Code)
Auto gas stations	1 space for each gas pump (spaces adjacent to gas pumps count), plus 1 space for each on shift employee
Auto rental	1 space for each vehicle to be rented
Auto service stations and repair garages	2 spaces for each service bay (excludes interior bay space), plus 1 space for each on shift employee and 1 space for every 600 square feet of net floor area; 1 exterior space in front of each service bay door may be counted
Automobile sales	1 space for each 5,000 square feet of lot area, plus 1 space for each vehicle displayed
Bowling alleys	3 spaces for each bowling lane, plus 1 space for each 250 square feet of restaurant and/or cocktail lounge floor area
Car washes	2 spaces for each bay or stall (interior bay spaces count), plus 1 space for each vacuum or drying machine
Cartage, express, and parcel delivery and trucking businesses	1 space for each 3 employees, plus 1 space for each vehicle maintained and 1 space for each 250 square feet of net floor area
Convenience stores	1 space for each 200 square feet of net floor area, plus 1 space for each employee on shift
Funeral parlors, mortuaries	1 space for each 200 square feet of net floor area

Hotels, motels, and tourist homes	1 space for each sleeping room, plus 1 space for each 2 employees on shift
Offices, administration buildings	1 space for each 300 square feet of net floor area
Outdoor areas for display of goods for sale, lease, or rental	1 space for each 1,000 square feet of land area used as such
Outdoor athletic fields, parks, or basketball or tennis courts	1 space for each 5,000 square feet of gross land area
Restaurants, taverns, bars, nightclubs	1 space for each 500 square feet of net floor space
Retail stores	1 space for each 500 square feet of net floor area
Tennis courts (indoor)	1 space for each tennis court, plus the spaces required for accessory uses

C. Institutional Uses: The following are the off street parking requirements for institutional uses in all zoning districts:

Type Of Use	Number Of Spaces Required
Cemeteries	1 space for each employee on shift
Churches	1 space for each 4 persons at the rated maximum occupancy of the building (per Fire Code)
Hospitals	1 space for each 2 beds, plus 1 space for each 2 employees on shift
Libraries	1 space for each 400 square feet of net floor area
Medical and dental clinics	1 space for each 200 square feet of net floor area
Nursing homes, homes for the aged	1 space for each 3 beds, plus 1 space for each 2 employees on shift

Post Office	1 space for each 100 post office boxes, plus 1 space for each 2 employees on shift
-------------	--

D. Schools: The following are the off street parking requirements for schools in all zoning districts:

Type Of Use	Number Of Spaces Required
Colleges and trade schools	1 space for each 3 students and 1 space for each teacher and each employee on shift
Elementary schools	1 space for each teacher and for each employee on shift or 1 space for every 2 persons rated capacity of assembly areas (per Fire Code), whichever is greater
High schools	1 space for each 5 students and 1 space for each teacher and for each employee on shift, or 1 space for each 2 persons rated capacity of all assembly areas (per Fire Code), whichever is greater
Junior high/middle schools	1 space for each teacher and for each employee on shift, or 1 space for every 2 persons rated capacity of assembly areas (per Fire Code), whichever is greater
Nursery schools, daycare centers	1 space for each 500 square feet of net floor area; minimum of 2 spaces per building

E. Light Industrial Uses: The following are the off street parking requirements for all types of manufacturing, storage, wholesale distribution and all other light industrial uses:

Type Of Use	Number Of Spaces Required
For all uses except those as set forth in this subsection	1 space for each 600 square feet of net gross floor area
Auto repair service	2 spaces per service bay, plus 1 space per employee, plus 1 space per every 600 square feet of net gross floor area; 1 exterior space in front of each service bay door may be counted; 1 interior space per service bay may be counted

Industrial laundry use and manufacturing/processing	1 space for each 600 square feet of net gross floor area
Landscape nurseries and lumberyards	1 space per every 250 square feet of net gross retail floor area, plus 1 space per each 2,500 square feet of net gross warehouse area or land area, plus 1 space per each company owned vehicle used for the subject business
Light industrial uses	1 space for each 600 square feet of net gross floor area
Offices	1 space for each 600 square feet of net gross floor area
Storage	1 space for each 750 square feet of net gross floor area

10-21-5: ADDITIONAL LOADING REQUIREMENTS:

1. Adequate off street loading spaces for commercial, industrial and institutional uses shall be provided so that loading need not take place from public streets.
2. Off street loading facilities such as a dock or platform shall not project into the public right-of-way setback area. They shall be conveniently accessible from streets or alleys.
3. The required off street loading berths shall not be part of the same area used to satisfy the off street parking requirements.
4. Only alleys located west and east of Main Street/Highway 75 in the Business, Light Industrial, Light Industrial/Mixed Business, and Limited Business/Residential Districts shall be allowed to be used as a required off street loading space/facility.

10-21-6: BICYCLE PARKING:

New section for standards on bicycle parking.

- A. Bicycle parking spaces shall be compatible with standard u-locks, provide adequate space for maneuvering, and provide two (2) points of contact with bicycles. Bicycle parking which supports one (1) single wheel shall not meet this criteria.

B. One (1) bicycle parking space shall be provided per one thousand (1,000) square feet of non-residential building area. Partial spaces shall be rounded to the nearest whole number. Spaces required by this provision shall be located so they are accessible by the public from adjacent sidewalks.

A.C. In addition to the above, one (1) bicycle parking space shall be provided per three (3) dwelling units for multifamily developments. Partial spaces shall be rounded to the next whole number. Spaces required by this provision shall be located near the main exterior entrance(s) to these dwelling units and shall be covered.

CHAPTER 22 SIGNS, LIGHTING AND FENCES

ARTICLE B. LIGHTING

10-22B-2: DEFINITIONS:

Updated definitions in support of the other changes to this chapter.

Unless specifically defined in this section, words or phrases used in this article shall be interpreted so as to give them the meanings they have in common usage and to give this article its most reasonable application. When used in this article, the following words and terms shall have the meanings ascribed to them in this section:

AREA LIGHT:

A luminaire equipped with a lamp that produces over one thousand eight hundred (1,800) lumens. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights. (See section 10-22B-9, table 1 of this article for light output of various lamps.)

ASTRONOMIC TIME SWITCH:

An automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.

AVERAGE HORIZONTAL FOOT-CANDLE:

The average level of illuminance for a given situation (with snow cover if that is to be expected in the given situation), measured at ground level, with the light meter placed parallel to the ground.

1580 *BUILDING INSPECTOR:*

The City of Bellevue building inspector.

BACKLIGHT:

The amount of light emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the fixture.

1585 *BACKLIGHT-UPLIGHT-GLARE (BUG) RATING:*

The EIS developed rating system for outdoor lighting which describes the amount of backlight, uplight, and glare produced by a luminaire.

CITY:

The City of Bellevue, Idaho.

1590 *CORRELATED COLOR TEMPURATURE (CCT):*

The measured color appearance of white light using units of kelvin (K).

EIGHTY FIVE DEGREE CUTOFF TYPE OF LUMINAIRES:

1595 Luminaires that do not allow light to escape above an eighty five degree (85°) angle, measured from a vertical line from the center of the lamp extended to the ground (see section 10-22B-9, figure 2 of this article).

EXTERIOR LIGHTING:

Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Luminaires that are indoors that are intended to light something outside are considered exterior lighting for the purpose of this article.

1600 *FLOODLIGHT:*

A lamp that produces up to one thousand eight hundred (1,800) lumens and is designed to flood a well defined area with light. (See section 10-22B-9, table 1 of this article for light output of various lamps.)

FOOT-CANDLE (FC):

1605 ~~The American unit used to measure the total amount of light cast on a surface (illuminance). One foot-candle is equivalent to~~ The illuminance produced by a source of one candle at a distance of one foot (1'). ~~For example, the full moon produces 0.01 foot-candle (foot-candles are measured with a light meter). One foot-candle is approximately equal to ten (10) lux, the British unit used to measure illuminance.~~

1610 *FULL CUTOFF LUMINAIRES:*

A luminaire designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaire. (See section 10-22B-9, figure 1 of this article.)

FULLY SHIELDED:

1615 The luminaire incorporates a solid barrier (the shield), which permits no light to escape through the barrier. (See section 10-22B-9, figure 4 of this article.)

GLARE:

Stray, unshielded light striking the eye that may result in:

- A. Nuisance or annoyance glare such as light shining into a window;
- 1620 B. Discomfort glare such as bright light causing a squinting of the eyes;
- C. Disabling glare such as bright light reducing the ability of the eyes to see into shadows; or
- D. Reduction of visual performance.

HOLIDAY LIGHTING:

1625 Strings of individual lamps where the output per lamp is not greater than fifteen (15) lumens.

IESNA:

Illuminating Engineering Society of North America (IES or IESNA). The professional society of lighting engineers.

IESNA RECOMMENDED PRACTICES:

1630 The current publications of the IESNA setting forth illuminance levels.

ILLUMINANCE:

The amount of light falling on any point of a surface measured in foot-candles or lux.

LAMP:

1635 A. The generic term for an artificial light source, to be distinguished from the whole assembly (see definition of luminaire). Commonly referred to as "bulb".

B. The form of radiant energy acting on the retina of the eye to make sight possible.

LED:

A type of lamp which uses one or more light emitting diodes of any color.

LIGHT POLLUTION:

1640 Any adverse effect of manmade light including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uplighting, the uncomfortable distraction of the eye, or any manmade light that diminishes the ability to view the night sky.

LIGHT TRESPASS:

1645 ~~Light falling on the property of another or the public right-of-way when it is not required to do so.~~
Artificial light entering a property or right-of-way without permission.

LIGHTING:

Any or all parts of a luminaire that function to produce light.

LIGHTING ADMINISTRATOR:

1650 The Bellevue Planning and Zoning Administrator-Development Service Director who shall administer, interpret, and enforce this article and make recommendations hereunder.

LUMEN:

1655 The unit used to quantify the amount of light energy produced by a lamp at the lamp. Lumen output of most lamps is listed on the packaging. For example, a sixty (60) watt incandescent lamp produces nine hundred fifty (950) lumens while a fifty five (55) watt low pressure sodium lamp produces eight thousand (8,000) lumens.

LUMINAIRE:

A complete lighting unit, consisting of a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power. When used, the term includes ballasts and photocells. Commonly referred to as "fixture".

1660 *MAINTAINED ILLUMINANCE:*

The condition that occurs after two hundred (200) hours of lamp use prior to a point where luminaire cleaning is necessary. Measurements are taken at ground level with the sensor parallel to the ground for horizontal illuminance and measured at five feet (5') above the ground with the sensor perpendicular to the ground for vertical illuminance.

1665 *NONESSENTIAL LIGHTING:*

Lighting that is not necessary for an intended purpose after the purpose has been served. The term does not include any lighting used for safety and/or public circulation purposes.

OPAQUE:

1670 The effect of a part or parts of a luminaire that provide(s) a barrier above and, in some cases, around, the lamp, that does not allow any light to pass through.

PARTIALLY SHIELDED:

The luminaire incorporates a translucent barrier, the "partial shield" around the lamp, that allows some light to pass though the barrier while concealing the lamp from the viewer. (See section 10-22B-9, figure 3 of this article.)

1675 *PHOTOELECTRIC SWITCH:*

A control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.

PLANNING AND ZONING ADMINISTRATOR-DEVELOPMENT SERVICE DIRECTOR:

The City of Bellevue Planning and Zoning Administrator.

1680 *SKYGLOW:*

The overhead glow from light emitted sideways and upwards. Skyglow is caused by the reflection and scattering of light by dust, water vapor and other particles suspended in the atmosphere. Skyglow reduces one's ability to view the night sky.

TEMPORARY LIGHTING:

1685 Lighting that is intended to be used for a special event for seven (7) days or less.

TIME SWITCH:

An automatic lighting control device that switches lights according to time of day.

TRANSLUCENT:

1690 The effect of a part or parts of a luminaire that provide(s) a barrier around the lamp that allows some light to pass through the barrier in a diffused manner such that the lamp cannot be clearly distinguished. (See section 10-22B-9, figure 3 of this article.)

UNSHIELDED:

The luminaire only incorporates clear glass, which permits all light to escape. (See section 10-22B-9, figure 5 of this article.)

1695 *UPLIGHTING:*

~~Fully shielded lighting that is directed in such a manner as to shine light rays above the horizontal plane.~~ Lighting emitted above the horizontal plane of a luminaire

WALL WASH:

The reflectivity of artificial lighting from the exterior surface of a building or structure. (Ord. 2015-02, 4-20-2015)

1700

10-22B-3: GENERAL STANDARDS:

Updated with more quantifiable standards regarding light trespass and color temperature.

1705

A. All exterior lighting, excluding street lighting and lighting associated with law enforcement facilities and emergency response facilities, shall be designed, located and lamped in order to prevent or minimize:

1. Overlighting.

2. Energy waste.

3. Glare.

4. Light trespass.

1710

5. Skyglow.

6. Public nuisance.

1715

A. All nonessential exterior commercial, recreational, and residential lighting shall be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes. Residential exterior lighting shall not create a public nuisance by light trespassing.

B. Canopy lights, such as service station lighting or covered entries, shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent properties.

C. Area lights, excluding public street lighting shall be a minimum of eighty five degree (85°) full cutoff type luminaires.

D. Idaho Power shall not install any luminaires after the effective date hereof that lights the public right-of-way without first receiving approval for any such application by the Lighting Administrator.

E. Light trespass, measured at the property boundary, shall not exceed the following:

1. On residential properties: 0.1 foot-candles.
2. On waterways or natural areas: 0.01 foot-candles.
3. On commercial properties: 0.5 foot-candles.
4. On public or private rights-of-way: 0.5 foot-candles

~~D.F.~~ The correlated color temperature on new exterior lighting or for replacement bulbs on existing exterior lighting shall not exceed three-thousand (3,000) Kelvin.

10-22B-4: TYPES OF LUMINAIRES:

Updated standards with two broad categories: single family residential and all other properties, with standards scaled to be appropriate for the development typology, as well as being more understandable, achievable, and enforceable.

~~No unshielded or clear glass luminaires shall be allowed. All exterior lighting shall use full cutoff luminaires with the light source downcast and fully shielded, with the following exceptions:~~

~~Luminaires that have a maximum output of one thousand (1,000) lumens per fixture, regardless of number of lamps (equal to one 60-watt incandescent lamp) may be partially shielded, provided the lamp is not visible and the luminaire has an opaque top or is under a solid overhang. (See section 10-22B-9, figure 3 of this article.)~~

~~Floodlights with external shielding shall be angled; provided, that no light is directly above a thirty degree (30°) angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaire does not cause glare or light to shine on adjacent property~~

1745 ~~or public rights-of-way (see section 10-22B-9, figure 6 of this article). Photocells with timers that allow a floodlight to go on at dusk and off by eleven o'clock (11:00) P.M. are encouraged.~~

~~Residential holiday lighting is allowed from November 1 to March 15. Flashing holiday lights on residential properties are discouraged. Holiday lights shall be turned off by eleven o'clock (11:00) P.M.~~

1750 ~~Commercial holiday lighting is allowed from November 1 to March 15. Commercial holiday lights shall be turned off by eleven o'clock (11:00) P.M. or the close of business, whichever is later.~~

~~Sensor activated luminaires, provided:~~

1755 ~~They are located in such a manner as to prevent glare and lighting onto properties of others or into a public right-of-way.~~

~~The luminaire is set to only go on when activated and to go off within five (5) minutes after activation has ceased.~~

~~The luminaire shall not be triggered by activity off the subject property.~~

1760 ~~All temporary emergency lighting needed by the Fire and Police Departments or other emergency services.~~

~~Uplighting for flags, provided the flag is a United States of America or State of Idaho official flag and the maximum lumen output is one thousand three hundred (1,300) lumens. Flags may be taken down at sunset to avoid the need for lighting. (Ord. 2015-02, 4-20-2015)~~

~~Uplighting for landscaping is prohibited. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)~~

1765 ~~Lighting of radio, communication and navigation towers, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this article.~~

~~Exterior neon lights are prohibited pursuant to this chapter unless they meet the provisions as set forth in subsection 10-22A-4D3 of this chapter.~~

1770 On properties developed as single family residences:

A. No unshielded or clear glass luminaires shall be allowed.

B. All exterior luminaires with a maximum output in excess of one thousand (1,000) lumens per fixture, regardless of the number of lamps, shall be use full cutoff fixtures and be fully shielded.

1775 C. Floodlights are permitted, provided:

1. The luminaire has external shielding,

2. The luminaire not be angled above thirty degrees (30°) (measured from the vertical line from the center of the light extended to the ground), and

3. The luminaire does not create glare or light trespass.

1780 D. Holiday lighting from November 1 to March 15 is permitted provided that the lights are turned off by 11:00 P.M.

E. Festoon string lighting where no individual lamp emits more than 50 lumens, and the lumen density of the string is no greater than 25 lumens per foot are permitted.

F. Sensor activated luminaires are permitted, provided:

1785 1. They are located in such a manner as to prevent glare and light trespass off of the subject property or into a public right-of-way.

2. The luminaire is set to only go on when activated and to go off within five (5) minutes after activation has ceased.

3. The luminaire shall not be triggered by activity off the subject property.

1790 On all other properties:

A. Where a property is adjacent to residential properties, all outdoor lighting fixtures shall have a BUG rating of B1-U0-G1 or lower.

B. Where a property is adjacent to nonresidential properties, all outdoor lighting fixtures shall have a BUG rating of B2-U0-G2 or lower.

1795 C. Floodlights are permitted, provided:

1. The luminaire has external shielding.
2. The luminaire not be angled above thirty degrees (30°) (measured from the vertical line from the center of the light extended to the ground), and
3. The luminaire does not create glare or light trespass.
4. The lamp is controlled by a photoelectric switch, astronomical switch, or time switch set to turn off no later than 11:00 P.M.

D. Holiday lighting from November 1 to March 15 is permitted provided that the lights are turned off by the later of the close of business or 11:00 P.M.

E. Festoon string lighting where no individual lamp emits more than 50 lumens, and the lumen density of the string is no greater than 25 lumens per foot are permitted.

F. Sensor activated luminaires are permitted, provided:

1. They are located in such a manner as to prevent glare and light trespass off of the subject property or into a public right-of-way.
2. The luminaire is set to only go on when activated and to go off within five (5) minutes after activation has ceased.
3. The luminaire shall not be triggered by activity off the subject property.

10-22B-5: PLACEMENT AND HEIGHT OF LUMINAIRES:

Establishes height standards based on distance from property line to reduce potential for intrusive lighting. Again, this is separated into single family residential properties (or adjacent to), and all other properties.

A. When the subject property or adjacent properties have been developed as single family residences:

1. The maximum mounted height of any outdoor light, except streetlights, shall be the lesser of twelve feet (12') or the result of the following formula:

1820 $H = \frac{d}{4} + 3$

Where H is the maximum permissible height in feet and d is the distance in feet to the nearest property boundary

B. In all other instances:

- 1825 1. The maximum mounted height of any outdoor light, except streetlights, shall be the lesser of seventeen feet (17') or the result of the following formula:

$$H = \frac{d}{3} + 3$$

Where H is the maximum permissible height in feet and d is the distance in feet to the nearest property boundary

1830 ~~A. Parking area luminaires shall be no taller than seventeen feet (17') from the ground to their tallest point. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level.~~

~~B. Freestanding luminaires on private property in residential zones shall be mounted at a height no greater than twelve feet (12') from ground level to the top of the luminaire.~~

1835 ~~C.B.~~ Streetlights used on arterial roads may exceed ~~twenty-seventeen feet (2017')~~ in height, with the approval ~~recommendation by~~ of the Common Council, and only with a finding that exceeding ~~twenty-seventeen feet (2017')~~ is necessary to protect the safety of the residents of the City.

~~D.C.~~ Luminaires used for playing fields shall be exempt from the height restriction, provided all other provisions of this section are met, and the light is used only while the field is in use.

1840 **10-22B-6: ILLUMINANCE LEVELS AND TYPES OF LAMPS:**

Minor adjustments to improve enforceability.

A. Illuminance levels for parking lots, sidewalks, and other walkways affected by side mounted building lights and freestanding sidewalk lights (non-streetlights) shall not exceed

illuminance levels listed in the most current IESNA Recommended Practices. The City recognizes that not every such area will require lighting.

B. Parking lot and parking structure lighting shall not exceed an overall average illumination of 1.5 foot-candles.

C. The use of flood lighting for exterior wall washing is prohibited ~~for residences, condominiums and apartments;~~ the use of recessed eave lighting or fully shielded, full-cutoff wall mounted lights to achieve wall washing is permitted. ~~Suggested m~~Maximum average limits for wall washing are:

1. Dark colored exterior surfaces: 1.0 foot-candle.
2. Light colored exterior surfaces: 0.5 foot-candle.

Illuminance measurements of indirect light creating wall wash shall be measured with an illuminance meter four feet (4') from ground level, with the meter held horizontally and touching the wall surface.

Streetlights shall be high pressure sodium, low pressure sodium or metal halide, unless otherwise determined that another type is more efficient. Streetlights along residential streets shall be limited to a seventy (70) watt high pressure sodium (hps) light with a lumen output of six thousand four hundred (6,400). Streetlights along nonresidential streets or at intersections shall be limited to one hundred (100) watts hps, with a lumen output of nine thousand five hundred (9,500); except, that lights at major intersections on State highways shall be limited to two hundred fifty (250) watts hps. If a light type other than high pressure sodium is permitted, then the equivalent output shall be the limit for the other light type (see section 10-22B-9, table 1 of this article).

D. All existing and/or new exterior lighting, excluding street lighting and lighting associated with law enforcement facilities and emergency response facilities, shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting.

10-22B-7: PROCEDURES:

- 1870 A. All applications for design review, conditional use permits, subdivision approvals, applicable
sign permits, or building permits shall include lighting plans showing location, type, height,
lumen output, and illuminance levels in order to verify that lighting conforms to the
provisions of this article. The Lighting Administrator may waive the requirement for
illuminance level information only if the Lighting Administrator finds that the illuminance
1875 levels conform to this article. For all other exterior lights which must conform to the
requirements of this article, an application shall be made to the Lighting Administrator
showing location, type, height, lumen output and illuminance levels.
- B. The Lighting Administrator shall review any new exterior lighting or any existing exterior
lighting on subject property that is part of an application for design review, conditional use
1880 permit, subdivision approval, applicable sign permits or building permit to determine
whether the exterior lighting complies with the standards of this article.
- C. The Lighting Administrator shall convey in writing a recommendation whether the exterior
lighting complies with the standards of this article to the Building Official, the City Planning
and Zoning Commission, or the Mayor and Common Council of the City, as the case may be,
1885 before any review or hearing on a building permit, design review, conditional use permit,
subdivision application, or applicable sign permit.
- D. For all other exterior lighting which must conform to the requirements of this article, the
Lighting Administrator shall issue a decision whether the exterior lighting complies with the
standards of this article. All such decisions may be appealed pursuant to subsection 10-3-3A
1890 of this title, as amended, to the City Planning and Zoning Commission within thirty (30) days
of the decision.

10-22B-8: VIOLATIONS:

Reference back to general enforcement procedures.

1895 If the Lighting Administrator finds that any provision of this article is being violated, the
Lighting Administrator shall ~~give notice by hand delivery or by certified mail, return receipt
requested, of such violation to the owner and/or to the occupant of such premises, demanding~~

that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. The Planning and Zoning Administrator shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty (30) day period, the Lighting Administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this article or bring a criminal complaint against the violator. proceed with enforcement in accordance with Section 10-3-4 of this Title.

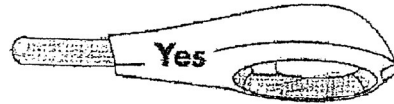
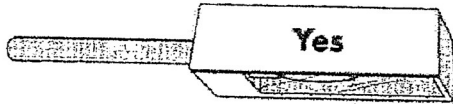
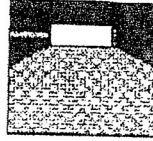
~~10-22B-9: FIGURES AND TABLES:~~

This is not helpful or up to date.

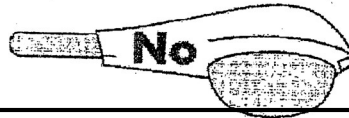
The figures and information sheets in this section shall be incorporated into this article as guidelines for the public and the City for use in enforcing this article. The City does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. Additional information is provided at the City Planning Department.

—FIGURE 1

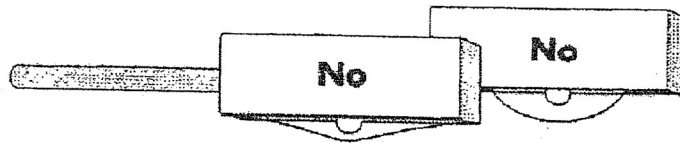
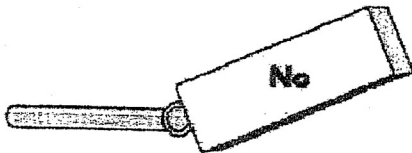
What is a true full cutoff outdoor lighting fixture?



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housings for these fixtures are available in many styles.



Same fixture as above mounted incorrectly - defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.



Known as just "cutoff" center "drop" or "sag" lens with or without exposed bulb, produces direct glare.

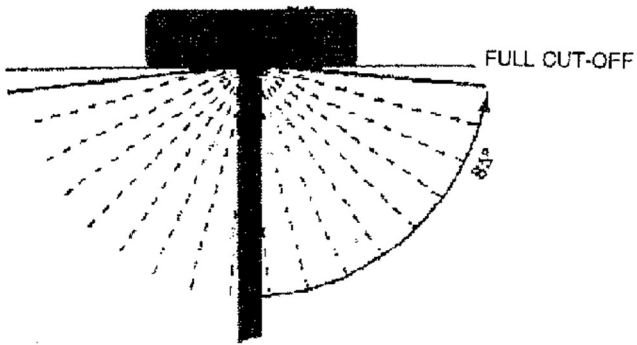


FIGURE 2
85° Full Cut-Off Fixture

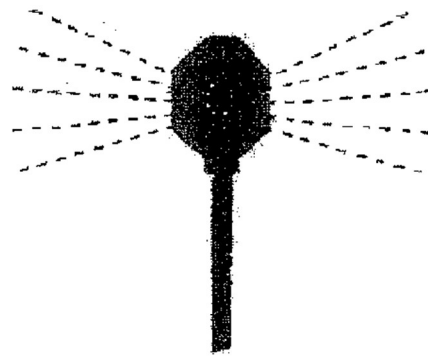


FIGURE 3
Partially Shielded
(translucent siding - bulb not visible)

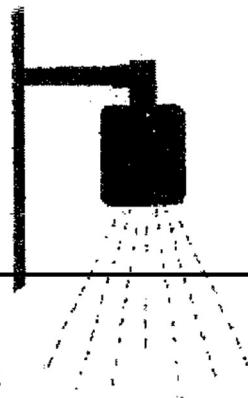


FIGURE 4
Shielded

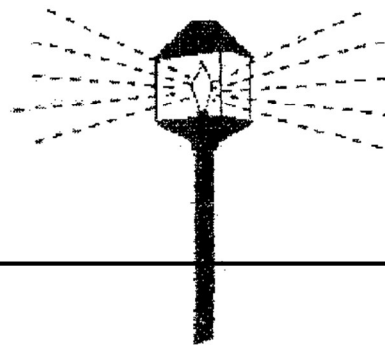


FIGURE 5
Unshielded With Opaque Top
(less than 375 lumens)

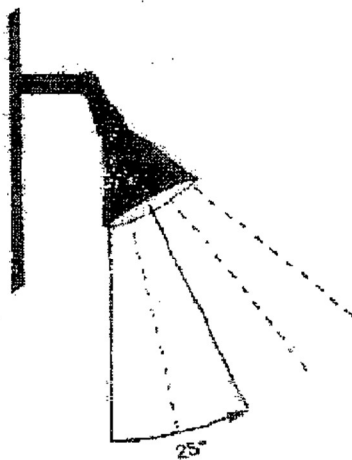


FIGURE 6
Angle Of Flood Light
With External Shielding

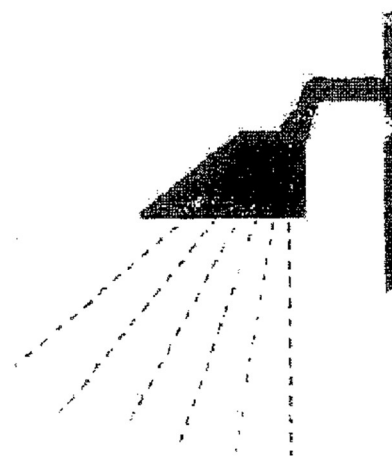


FIGURE 7
Directional Flood Light

~~—INITIAL RATED LIGHT OUTPUT OR VARIOUS LAMPS~~

(Information from Sylvania #PL-150, General Electric #9200 and Phillips #SG-100 large lamp catalogs)

Lamp Type	Lamp Wattage	Initial Lumen
Lamp Type	Lamp Wattage	Initial Lumen
Incandescent lamp (frosted) (Syl.)	25	235
Incandescent lamp (frosted) (Syl.)	40	375
Incandescent lamp (frosted) (Syl.)	60	890
Incandescent lamp (frosted) (Syl.)	100	1,690
Incandescent lamp (frosted) (Syl.)	150	2,850
Incandescent flood or spot (G.E.)	75	765
Incandescent flood or spot (G.E.)	120	1,500
Incandescent flood or spot (G.E.)	150	2,000
Quartz halogen lamp (frosted) (Syl.)	42	665
Quartz halogen lamp (frosted) (Syl.)	52	885
Quartz halogen lamp (frosted) (Syl.)	72	1,300
Quartz halogen lamp (frosted) (Syl.)	300	6,000
Quartz halogen lamp (frosted) (Syl.)	500	10,500
Quartz halogen lamp (frosted) (Syl.)	1,000	21,000
Quartz halogen mini flood or spot (G.E.) (12 volt MR-16 type)	20	260
Quartz halogen mini flood or spot (G.E.) (12 volt MR-16 type)	42	630
Quartz halogen mini flood or spot (G.E.) (12 volt MR-16 type)	50	895

Quartz halogen mini flood or spot (G.E.) (12 volt MR-16 type)	75	1,300
Fluorescent lamp (Phillips)	7	400
Fluorescent lamp (Phillips)	9	600
Fluorescent lamp (Phillips)	13	900
Fluorescent lamp (Phillips)	22	1,200
Fluorescent lamp (Phillips)	28	1,600
Fluorescent lamp (G.E. cool white)	40	3,150
Low pressure sodium lamp (Phillips)	18	1,800
Low pressure sodium lamp (Phillips)	35	4,800
Low pressure sodium lamp (Phillips)	55	8,000
Low pressure sodium lamp (Phillips)	90	13,500
Low pressure sodium lamp (Phillips)	135	22,500
Low pressure sodium lamp (Phillips)	180	33,000
High pressure sodium lamp (diffuse) (G.E.)	35	2,250
High pressure sodium lamp (diffuse) (G.E.)	50	4,000
High pressure sodium lamp (diffuse) (G.E.)	70	6,400
High pressure sodium lamp (diffuse) (G.E.)	100	9,500
High pressure sodium lamp (diffuse) (G.E.)	150	16,000
High pressure sodium lamp (diffuse) (G.E.)	250	27,500
High pressure sodium lamp (diffuse) (G.E.)	400	50,000

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—TABLE 2

—MOUNTING HEIGHT/LAMP OUTPUT RECOMMENDATIONS

Table 2 of this section lists the maximum lumen levels standards at various heights above ground level. It provides specific examples listing the common types of lighting sources, lumen levels, and permitted mounting heights.

Mounting Height (Feet)	Max Lumens
Mounting Height (Feet)	Max Lumens
6	—1,000
8	—600 to 1,600
10	—1,000 to 2,000
12	—1,600 to 2,400
16	—2,400 to 6,000
20	—4,000 to 8,000
24	—6,000 to 9,000
28	—8,000 to 12,000
32	—9,000 to 24,000
36	—12,000 to 28,000
40	—16,000 to 32,000

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—TABLE 3

—MOUNTING HEIGHT RECOMMENDATIONS PER LAMP TYPE

—LOW PRESSURE SODIUM

Wattage	180W	135W	90W	55W	35W	18W
Wattage	180W	135W	90W	55W	35W	18W
Mounting heights	>40'	30'—32'	28'	24'	16'—20'	10'
Initial lumens	33,000	22,500	13,500	8,000	4,800	1,800

Mean lumens	33,000	22,500	13,500	8,000	4,800	1,800
Lamp wattage	180	135	90	55	35	18
Circuit wattage	220	180	125	80	60	30
Initial lum/watt	150	125	108	100	80	60
Mean lum/watt	150	125	108	100	80	60
Annual kWh use	902	738	513	328	216	123

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~~HIGH PRESSURE SODIUM~~

Wattage	400W	250W	200W	150W	100W	70W	50W	35W
Wattage	400W	250W	200W	150W	100W	70W	50W	35W
Mounting heights	>50'	32'—36'	30'	28'	24'	20'	16'	12'
Initial lumens	50,000	28,500	22,000	16,000	9,500	6,300	4,000	2,250
Mean lumens	45,000	25,700	19,800	14,400	8,550	5,470	3,600	2,025
Lamp wattage	400	250	200	150	100	70	50	35
Circuit wattage	465	294	246	193	130	88	66	46
Initial lum/watt	108	97	89	83	73	72	61	49
Mean lum/watt	97	87	80	75	66	64	55	44
Annual kWh use	1,907	1,205	1,009	791	533	361	271	189

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Wattage	1,000W	400W	250W	175W	150W	100W	70W	50W	32W
Wattage	1,000W	400W	250W	175W	150W	100W	70W	50W	32W

Mounting heights	>60'	>36'	>30'	>28'	>24'	>20'	>16'	>12'	>10'
Initial lumens	110,000	36,000	20,500	16,600	13,000	9,000	5,500	3,500	2,500
Mean lumens	88,000	28,800	17,000	10,350	8,700	6,400	4,000	2,500	1,900
Lamp wattage	1,000	400	250	175	150	100	70	50	32
Circuit wattage	1,070	456	295	215	184	115	88	62	43
Initial lum/watt	103	79	69	77	71	78	63	56	58
Mean lum/watt	82	63	58	48	47	56	45	40	44
Annual kWh	4,387	1,870	1,210	882	754	472	361	254	176