

5-3: MINIMUM LOT WIDTH, DEPTH, AND FRONTAGE REQUIREMENTS:

- A. No lot shall have an average depth greater than two (2) times its average width.
 - 1. Lot depth shall be the distance of parallel lines drawn from the front to rear of the lot along side property lines, averaged when necessary for irregularly shaped lots.
 - 2. Lot width shall be the distance of a parallel line drawn from one side lot line to the other side lot line at the building setback line.
- B. All lots shall have a minimum of thirty feet (30') of frontage on a public street. (Ord. 364, 4-5-1989)

11-5-4: BUILDING SETBACK REQUIREMENTS:

A. Subject to other provisions of this section, no portion of any building may be located on any lot closer to any lot line or to the street right of way line or centerline than is authorized in this section. If the street right of way line can be determined by reference to a survey, set irons, or other means, the setback shall be measured from such right of way line. If the right of way line is not so determinable, the setback shall be measured from the street centerline.

B. 1. Minimum setbacks for uses within all residential districts; and for residential uses within all districts shall be the following distance from:

a.	Street or alley right of way line (except accessory buildings located in the rear yard area may be 5 feet)	15 feet
	Street centerline	45 feet
	Alley centerline	25 feet
b.	Interior side line	5 feet
	Interior side line (with public road)	10 feet
c.	Interior rear property line (except accessory buildings may be 5 feet)	15 feet

2. Minimum setbacks required for all uses, other than residential, in the C-B central business district shall be the following distance from:

- a. None required

3. Minimum setbacks required for all uses, other than residential, in commercial districts shall be the following distance from:

a.	C-1 and C-2 commercial districts:	
	Street or alley right of way line	10 feet
	Street centerline	40 feet
	Alley centerline	20 feet

(Ord. 364, 4-5-1989)

b. C-2 general commercial and C-B central business commercial districts:

None

(Ord. 475, 8-14-2002)

c. C-3 commercial district:

Street right of way	0 feet
Alley right of way	10 feet
Street centerline	40 feet
Alley centerline	20 feet
Interior side property line	0 feet

(Ord. 485, 5-14-2003)

4. Minimum setbacks required for all uses, other than residential, in the M-1 and M-2 industrial districts shall be the following distance from:

Street or alley right of way	10 feet
Street centerline	40 feet
Alley centerline	30 feet
Interior side and rear property line	0 feet

- B. On any lot in a zoning district with a zero foot (0') side or rear yard requirement, any portion of a structure not constructed up to the lot line shall have an interior side or rear yard of at least ten feet (10') in width.
- C. Whenever one lot abuts another lot having greater yard requirements, both lots shall have yards equal to the more restrictive requirements.
- D. As used in this section, the term "building" includes any substantial structure which constitutes a visual obstruction and includes the following:
1. Gas pumps and overhead canopies or roofs.
 2. Decks, porches and patio covers.
 3. Fences, signage, satellite dishes, etc. (Ord. 364, 4-5-1989)
- E. Any structure, tree, vegetation, sign or solid sight obscuring item, which might obscure vision between three feet (3') and ten feet (10') in height and which is located on private property within a triangle formed by intersection street curb lines or edge of pavement lines and having forty foot (40') sides adjoin the intersection of two (2) streets, may be subject to the determination and enforcement authorized by this code. The chief of police or his/her respective delegate is authorized to declare the existence of any such sight obstruction or

visibility impairment a nuisance and take such administrative steps as may be appropriate to eliminate or modify the same. (Ord. 575, 5-13-2015)

F. The following features may extend into the required yard:

1. Chimneys, eaves, cornices, and similar ornamentation a distance of not more than two and one-half feet (2.5').
2. Open porches, platforms, terraces and steps, the floor of which is not higher than the first floor of the building, may extend into the front or rear yard a distance of not more than six feet (6'); and into the side yard not more than two and one-half feet (2.5'). (Ord. 364, 4-5-1989)

11-5-5: BUILDING HEIGHT LIMITATIONS:

A. Subject to the other provisions of this section, building height limitations in the various zoning districts shall be as follows:

<u>Zone</u>	<u>Height Limitations (In Feet)</u>
R-S, R-1, R-2	25
R-3, C-1	45
C-B, C-2	65
C-3	45
M-1, M-2	85

(Ord. 475, 8-14-2002; amd. Ord. 485, 5-14-2003)

- B. The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.
- C. On lots in residential zoning districts located downhill from the street and having at least a twenty five percent (25%) grade measured perpendicular to the center of the lot frontage, an additional story, not to exceed twelve feet (12') is permitted.
- D. All buildings over thirty five feet (35') require certification from the fire official that such building is designed to provide adequate access for firefighting personnel; or from the building inspector that the building is otherwise designed or equipped to provide adequate protection against fire. (Ord. 364, 4-5-1989)
- E. Provided that not more than one-fourth ($\frac{1}{4}$) of the total roof area is consumed, the following features are exempt from the district height limitations:
 1. Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage.
 2. Flagpoles and similar devices.

- F. The following features are exempt from district height limitations, but must be set back from the edge of the roof a minimum distance of one foot (1') for every foot by which they extend above the roof surface of the building to which they are attached regardless of height:
1. Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices. (Ord. 364, 4-5-1989; amd. Ord. 575, 5-13-2015)

11-6-7: SPECIFIC USE REGULATIONS

- * **Adult Entertainment:** Adult entertainment uses are permitted in the designated zones upon the granting of a conditional (special) use permit pursuant to the provisions of chapter 3, article A of this title and the following minimum requirements:
1. No adult entertainment use shall be located within, nor closer than, five hundred feet (500') measured from the property lines to the boundary of any residential zone, school, church, or public playground/park.
 2. No adult entertainment use shall be closer than five hundred feet (500') to any other adult entertainment use.
- * **Campground/RV Park:** Campground uses are permitted in the designated zones upon the granting of a conditional (special) use permit pursuant to the provisions of chapter 3, article A of this title and the following minimum requirements:
1. Interior access roads shall connect to a road maintained by a public entity. Interior access roads will be constructed to standards established by the planning commission upon approval of a conditional (special) use permit and will be privately maintained.
 2. Campsites shall be located on well drained areas and shall be properly graded to prevent accumulation of storm water. Control of surface water runoff shall be provided by a drainage system acceptable to the city engineer.
 3. Exposed ground surfaces (other than interior roads and defined campsites) shall be protected with a cover or vegetative growth that is capable of providing dust abatement and preventing soil erosion.
 4. Adequate water supply, safe for drinking shall be provided in accordance with state and local health authorities, with a minimum of one accessible water supply outlet within three hundred feet (300') of each campsite.
 5. Sewage disposal facilities shall be provided (at a minimum sealed vault privies) acceptable to state and local health authorities. Such toilet areas shall be located not less than fifty feet (50') nor more than three hundred feet (300') from a campsite. There shall be a minimum of one toilet for each sex for every ten (10) campsites. This requirement may be modified by the planning commission where sewer hookups are provided to individual campsites.
 6. All solid waste shall be collected and stored in compliance with the city of Kellogg mandatory pick up ordinance. Refuse containers (minimum 32 gallon capacity with lids) shall be provided

and maintained for every four (4) campsites. Other types of solid waste facilities may be approved by the planning commission.

7. All areas in the campground shall be kept free of litter, rubbish and other flammable materials. At least one 5-pound chemical portable fire extinguisher shall be installed and maintained in the campground office.
8. Each campsite shall be provided with a contained campfire area or campfires shall be prohibited. Containment method shall be approved by the planning commission.
9. All areas in the campground shall be maintained in a clean, orderly and sanitary condition at all times. Campground rules in accordance with these regulations shall be posted. (Ord. 364, 4-5-1989)
10. Dump sites (stations) shall be provided in all campgrounds. One for each ten (10) spaces. (Ord. 494, 3-10-2004)

Commercial Logging: Commercial logging is permitted in the designated zones upon the granting of a conditional (special) use permit pursuant to the provisions of chapter 3, article A of this title and the following minimum requirements: (Ord. 364, 4-5-1989)

1. The extent and method of rehabilitation of the area to be logged shall be determined by the planning commission with consideration given to what is suitable and compatible with the surrounding area in conjunction with the Idaho forest practices act. (Ord. 494, 3-10-2004)
2. Areas where filling, grading, or other earthmoving activities occur, shall be stabilized to prevent erosion or soil failure in accordance with the requirements of the city engineer.

Fences/Walls: Fences and walls are permitted in all zoning designations, subject to the following minimum requirements:

1. No fence shall be constructed within the city without the issuance of a permit by the building department.
2. Fences and walls exceeding six feet (6') in height shall require a zoning improvement permit and a building permit pursuant to the provisions of chapter 3, article A of this title.
3. Except for those directly associated with game areas (i.e., tennis courts, ball fields), fences and walls in residential districts shall not exceed six feet (6') in height. (Ord. 364, 4-5-1989)
4. No fence, wall or hedge over four feet (4') shall be permitted in any required front yard. A maximum height of six feet (6') shall be allowed for all fences within all designated rear yards (see section 11-2-2 of this title; definition of "rear yard"); however, the visibility triangle rules shall continue to apply (see subsection 11-5-4E of this title). (Ord. 364, 4-5-1989; amd. Ord. 444, 9-8-1999)
5. No fences or walls shall be electrified.
6. Barbed wire shall not be used on a fence or wall except along the top of an approved security fence in an industrial district. The use of barbed wire shall require a zoning improvement permit. The applicant shall show that the use of barbed wire will not constitute a hazard to public safety and shall demonstrate the need for the use of such wire.

Home Occupation: Home occupation uses are permitted in the designated zones upon the granting of a zoning improvement permit pursuant to the provisions of chapter 3, article A of this title and the following minimum requirements:

In all districts:

1. There shall be no sales from the facility occupied by the home occupation of any products unless clearly incidental to the services provided.
2. A home occupation shall not generate pedestrian or vehicular traffic beyond that normal to the zoning district in which it is located.
3. Signs in the commercial districts shall be in conformance with chapter 8 of this title.
4. The home occupation shall not use more than thirty percent (30%) of the total floor area of the dwelling.
5. The home occupation shall not involve alteration of the structure in a manner that would be recognized as serving a nonresidential activity where such alteration is otherwise prohibited in the home occupation.

In Residential Districts:

- a. A home occupation may be conducted only in the principal residence or an accessory structure thereto.
- b. No more than one person, other than members of the family residing on the premises, shall be engaged in the home occupation.
- c. One sign, not to exceed eight (8) square feet in area, not internally illuminated, and mounted flat against the wall of the building housing the home occupation shall be allowed.
- d. A home occupation shall not involve commercial vehicles for delivery of materials to or from the premises, other than a vehicle not to exceed one ton, owned by the home occupation operator.
- e. No space outside of the main or accessory buildings shall be used for home occupation purposes.

Livestock:

The keeping of livestock is permitted in the designated zones upon the granting of a conditional (special) use permit pursuant to the provisions of chapter 3, article A of this title and the following minimum requirements:

1. There shall be a minimum of one acre for every three (3) large animals.
2. There shall be a minimum of one-half ($1/2$) acre for every ten (10) small animals. (Ord. 364, 4-5-1989)
3. Any building and/or structure housing large and/or small animals and any yard, runway, pen or manure pile shall be no closer than fifty feet (50'). In the case of swine, one hundred feet (100') from any occupied structure other than the dwelling unit of the occupant on premises. (Ord. 494, 3-10-2004)

4. Structures, pens, yards, and grazing areas of large and small animals shall be kept in a clean and sanitary condition so as not to create a public nuisance. (Ord. 364, 4-5-1989)