Article 10-2D — R-3 (Multi-Family Residential) District

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10-2D-1 Purpose

The R-3 (Multi-Family Residential) District is intended to promote the livability, stability, and improvement of the City's multi-family neighborhoods. This article provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

A. Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing.

B. Accommodate a range of housing needs, including owner-occupied and non owner-occupied housing.

C. Provide for compatible building and site design at an appropriate neighborhood scale.

D. Reduce reliance on the automobile for neighborhood travel and provide a variety of options for alternative transportation.

E. Provide direct and convenient access to schools, parks, and neighborhood services.

10-2D-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-3 (Multi-Family Residential) District with the letter "P" are permitted in the R-3 zone, without special action by the Hearing Body, subject to development standards of the R-3 (Multi-Family Residential) District, and other applicable portions of this Code. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

10-2D-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-3 (Multi-Family Residential) District with the letter "L" are allowed in the R-3 zone if they comply with the development standards of the R-3 (Multi-Family Residential) District, and other

applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

C. Requirements for Specific R-3 Limited Uses.

1. Home Occupation

a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.

2. Mobile sales / concessions

a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
b. Only permitted during special community events such as Liberty Lake Yard Sale Weekend.

3. Parking structure

a. Parking structures shall be accessed from an alley, placed underground, placed within buildings, or located behind or to the side of a building.
b. Parking structure entrances facing a street shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, parking structure entrances shall be oriented to a side-street (i.e., away from the arterial or collector street) when vehicle access cannot be provided from an alley.

4. Public assembly

a. Requires application for and approval of a Public Assembly Permit from the Building Official.

5. Seasonal & special events

a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

6. Temporary construction / sales office

a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

7. Tower, private

a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City of Liberty Lake Planning & Community Development Department or its successor agency can remove the easement.
b. The tower must be accessory to a residence on the same site.

8. Participant & spectator sports facilities

a. Gun and archery ranges, racetracks or riding facilities (animal or motorized vehicle oriented), paintball facilities, stadiums, arenas, and water or amusement parks are prohibited.
b. All lighting shall be directed downward.
c. The hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.
d. A 20 foot minimum landscaped buffer zone shall be required between facility

and any adjacent R-1 or R-2 Zone to reduce light, glare, noise, and aesthetic impacts. The buffer may contain pedestrian seating but shall not contain any lighting, except for low intensity landscape lighting, trash receptacles or storage of equipment, materials, vehicles, etc.

e. The maximum building footprint area shall be 10,000 square feet or less.

9. Accessory dwelling unit, attached

a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.

b. The ADU shall be a complete, separate housekeeping unit that is within or attached to the principal unit with a common wall(s) and that meets the building code requirements for floor area and room sizes.

c. The ADU shall be clearly a subordinate part of the principal unit. In no case shall it be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

d. The ADU shall not have more than 2 bedrooms.

e. A maximum of one ADU is allowed per lot. An attached ADU shall not be allowed on lots containing a detached ADU, duplex, or multi-family dwelling.

f. An ADU shall not be permitted if the principal unit is less than 1,200 square feet.

g. The ADU shall be designed in a manner so that the appearance of the principal unit remains that of a single-family residence. The ADU and its entrance shall be located in such a manner as to be unobtrusive in appearance when viewed from the front of the lot.

h. The principal unit or ADU shall be owner-occupied.

10. Accessory dwelling unit, detached

a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.

b. The ADU shall be a complete, separate housekeeping unit, that meets the building code requirements for floor area and room sizes.

c. The ADU shall not be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

d. The ADU shall not have more than 2 bedrooms.

e. A maximum of one ADU is allowed per lot. A detached ADU shall not be allowed on lots containing an attached ADU, duplex, or multi-family dwelling unit.

f. The ADU shall have a pitched roof with a minimum slope of 4 and 12.

g. When measured from ground level, the ridge of the ADU's pitched roof shall not exceed 24 feet or the height of the principal unit, whichever is less.

h. Detached ADU's shall not be allowed on lots that are less than 8,000 square feet in size.

i. The ADU shall be designed in a manner so that the appearance of the lot remains that of a single-family residential lot. The detached ADU shall be unobtrusive in appearance when viewed from the front of the lot. A minimum 6 foot sight-obscuring fence shall be required to buffer a detached ADU from adjacent lots, unless waived in acknowledged writing by abutting property owners.

j. The principal unit or ADU shall be owner-occupied.

k. Home occupations will be allowed within the detached accessory dwelling unit.

11. Dwelling, multi-family (see #13 below for three-family triplex)

The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

a. The maximum width or length of a multiple family building shall not exceed 160 feet (from end-wall to end-wall);

b. Multi-family dwellings shall comply with Article 10-3B - Access and Circulation.

c. Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in multi-family dwellings with 4 or more units. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Critical areas and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

d. Private open space. Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking, and drives to the greatest extent practicable;

e. Private open space ground floor units. All ground-floor housing units shall have front or rear patios or decks measuring at least 35 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);

f. Private open space upper-floor units. A minimum of 75 percent of all upper-floor housing units shall have balconies or porches measuring at least 35 square feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade.

12. Dwelling, single family attached townhomes, Dwelling, two-family duplex, & Dwelling, multi-family (three-family triplex)

a. The maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 4 units, or 160 feet (from end-wall to end-wall), whichever is less.

b. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Article 10-3B - Access and Circulation.

c. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.

d. The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.

e. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

f. “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval, to check for common area maintenance provisions.

13. Manufactured homes on individual lots

a. The manufactured home shall be multi-sectional floor plan and have an enclosed floor area of not less than 1,000 sq. ft.

b. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).

c. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-

appearance siding is considered “superior” to metal siding and roofing).

d. The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences.

e. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling. Evidence demonstrating that the manufactured home meets “Super Good Cents” or equivalent energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers' certification shall not be required.

f. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 8 inches above grade.

14. Manufactured home park

a. Manufactured home parks are permitted on parcels of one (1) acre or larger.

b. The minimum size pad or space for each home is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide.

c. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.

d. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 6 foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.

e. The manufactured homes shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).

f. The manufactured homes shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing)

g. Associated uses permitted within manufactured home parks - Single family residences, manufactured home park manager’s office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Section 10-4I-2 - Home Occupations.

15. Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities)

a. All specialty housing shall be duly licensed by the State of Washington, if required by the State.

b. A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Article 10-3D-3 - Parking requirements.

16. Zero-lot line (single family courtyard home)

"Zero-lot line" houses are subject to the same standards as single family housing, except that a side yard setback is not required on one side of a typical lot and usable outdoor living areas are provided in rear and side-oriented courtyards. This type of housing is only permitted within approved Zero Lot Line Planned Unit Developments (PUD's). The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

a. Zero lot line homes are required to have 6 feet between structures;

b. The Planning & Community Development Department shall approve the minimum rear and front setbacks and they shall be drafted on the final PUD Plat;

c. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lots; and

d. The building placement, landscaping, and/or design of windows on the non zero lot line sides of the structure shall provide a buffer for the occupants of abutting lots. The side of the building which is located on the property line, cannot have any openings (vents, windows, doors, etc.), nor an eave that overhangs the property line.

10-2D-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-3 (Multi-Family Residential) District with the letters "CU" are permitted to locate in the R-3 zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as conditional uses.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

C. Requirements for Specific R-3 Conditional Uses.

1. Bed and breakfast inn

a. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

b. Parking shall be located as to not detract from the aesthetics of the residence, street, or neighborhood.

c. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

2. Dwelling, multi-family (greater than 30 units per net acre)

The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; ensure management and maintenance of common areas, and provide for public transportation options.

a. The maximum width or length of a multiple family building shall not exceed 160

feet (from end-wall to end-wall);

b. Multi-family dwellings shall comply with Article 10-3B - Access and Circulation.

c. Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in multi-family dwellings with 4 or more units. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Critical areas and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

d. Private open space. Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking, and drives to the greatest extent practicable;

e. Private open space ground floor units. All ground-floor housing units shall have front or rear patios or decks measuring at least 35 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);

f. Private open space upper-floor units. A minimum of 75 percent of all upper-floor housing units shall have balconies or porches measuring at least 35 square feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade.

g. Public transit. All multi-family dwellings greater than 30 units per net acre shall only be located along a public transit route and transit amenities such as bus shelters or pullouts, in accordance with the City's Transportation Plan and guidelines established by Spokane Transit Authority (STA) shall be provided for use by residents.

h. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

3. Community residential facility (25 or fewer residents) – EPF

a. The facility shall be limited to 25 or fewer residents, including live-in caregivers.

b. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

c. The community residential facility shall meet any applicable state, federal, and local licensing requirements.

d. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

e. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

4. Community treatment facility (20 or fewer residents) – EPF

a. The facility shall be limited to 20 or fewer residents, including live-in caregivers.

b. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

c. The community treatment facility shall meet any applicable state, federal, and local licensing requirements.

d. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

e. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

5. Crisis residential center (20 or fewer residents) – EPF

a. The facility shall be limited to 20 or fewer residents, including live-in caregivers.

b. The facility must maintain the outward appearance of a residence and conform

to the residential character of the area.

c. The crisis residential center shall meet any applicable state, federal, and local licensing for a facility housing children under the age of 18.

d. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

e. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

6. Halfway house (20 or fewer residents) – EPF

a. The facility shall be limited to 20 or fewer residents, including live-in caregivers.

b. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

c. The applicant shall provide additional public notice to the following uses located within 1/4 of a mile from the proposed halfway house, as measured from the nearest property line between the two uses:

i. Public and private schools;

ii. School bus stops;

iii. Licensed day care and licensed preschool facilities;

iv. Public playground, sports fields, golf courses, parks, or public trails, including Liberty Lake and Centennial Trail;

v. Recreational and community centers

vi. Churches, synagogues, temples, mosques and other places of worship;

vii. Public library;

viii. Another halfway house.

d. The applicant shall demonstrate that the halfway house does not constitute a significant adverse impact to the health, safety and welfare of the uses identified in 5(a) above.

e. The halfway house shall meet any applicable state, federal and local licensing requirements for a facility housing inmates in transition from a correctional facility to the community.

f. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

g. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

7. Secure Community Transition Facility (SCTF, 3 or fewer residents) – EPF

a. The facility shall be limited to 3 or fewer residents.

b. In no case shall a secure community transition facility be sited adjacent to, immediately across a street or parking lot from, or within line of sight of risk potential activities or facilities in existence at the time a site is listed for consideration. "Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. For the purposes of granting a conditional use permit for siting a secure community transition facility, the Hearing Examiner shall consider an unobstructed visual distance of 600 feet to be "within line of sight." Through the conditional use process, "line of sight" may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the line of sight to less than 600 feet. The law defines “risk potential activity” or “risk potential facility” to mean “an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center.” The following are considered to be risk potential activities or facilities:

i. Public and private schools;

ii. School bus stops;

iii. Licensed day care and licensed preschool facilities;
iv. Public playground, sports fields, golf courses, parks, or public trails, including Liberty Lake and Centennial Trail;
v. Recreational and community centers
vi. Churches, synagogues, temples, mosques and other places of worship;
vii. Public library;
viii. Any other risk potential facility identified in siting criteria by the Department of Social and Health Services with respect to siting a Secure Community Transition Facility.

c. The Secure Community Transition Facility shall meet any applicable state, federal, and local licensing for a facility authorized by state, federal, or local authorities to confine and treat sex offenders through a rehabilitation treatment program for those conditionally released from total confinement under a court ordered civil commitment;

d. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates, including the *Spokane County Regional Siting Process for Essential Public Facilities*.

e. The applicant shall demonstrate that it has met all the standards required by state law for public safety, staffing, security, and training, and those standards shall be maintained for the duration of the operation of the secure community transition facility including the following security measures:.

i. Intensive staffing. The law requires the Secure Community Transition Facility to provide intensive staffing ratios. In facilities with six or fewer residents, the facility must provide a ratio of one staff on duty for each three residents during the night hours (6:00 p.m. to 6:00 a.m.).

ii. Close supervision and escorts. Unless otherwise ordered by the court, each Secure Community Transition Facility resident must be closely supervised (on a one-to-one basis) by a trained staff or court-authorized escort when the resident leaves the Secure Community Transition Facility premises for any purpose. The staff/escort must remain with the resident for the duration of the outing, even when the resident may be working at a job. Staff and escorts must carry a cellular telephone or a similar communication device at all times when escorting a resident.

iii. Household security systems. The Secure Community Transition Facility must have household and perimeter security systems installed that meet specific technical specifications and offer appropriate emergency backup provisions. This includes providing a tamper-proof security panel, emergency electrical supply system, personal panic devises for all staff, staff photo ID badges, etc.

iv. Staff training and qualifications. The Secure Community Transition Facility staff must qualified and trained as required by Washington state law.

v. Informed staff and escorts. Staff and escorts must be fully informed about each resident's offense history and behavior patterns.

vi. Community trips require advance planning. Residents are allowed to leave the facility premises only for specified purposes, as authorized by the court order, and only with prior approval of the resident's assigned community corrections officer, treatment provider, and the Secure Community Transition Facility program manager. Reasons for leaving the facility may include treatment, employment interviews, employment, training, and other activities, such as family visits, that are specifically addressed in the resident's treatment plan.

vii. Individual electronic monitoring devices. Unless otherwise ordered by the court, each resident must wear an individual electronic monitoring device.

f. Properties that fail to meet any of these criteria must be removed from further consideration. The properties that do meet the minimum standards must be further evaluated to determine which one, among the available properties, is the most suitable. When a site is selected, preference must be given to properties that are the farthest removed from risk potential activities or facilities.

g. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

8. Public utility local distribution facility

a. The utility company shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.

b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

9. Wireless communication antenna array

Prior to issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein:

a. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement use to calculate the maximum allowable height of the support structure.

b. The applicant shall provide a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC. Interferences with public broadcast transmissions to the local community is prohibited.

c. The applicant shall meet and provide documentation that all applicable requirements of FCC, FAA, and any required aviation easements have been satisfied.

d. The applicant shall perform and provide documentation of a visual simulation of the site plan.

e. The applicant shall meet and provide documentation of all requirements of SEPA.

f. The antenna array and supporting electrical and mechanical equipment shall be installed using stealth technology.

g. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.

h. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and shall be positioned, placed, constructed, or used so as not to illuminate directly any adjacent lot, building, or structure or portion thereof.

i. The owner of the antenna array shall notify the City of Liberty Lake Planning & Community Development Department when the antenna array is no longer operating as part of a wireless communication system authorized and licensed

by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site, or when the technology becomes obsolete and is no longer utilized.

j. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

10-2D-5 Accessory Structures

Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in residential zones include detached garages, sheds, workshops, green houses, and similar structures. (For standards applicable to Accessory Dwellings, please refer to Section 10-2D-3). Accessory structures shall comply with all of the following standards and Sections 10-2D-6 for setbacks and 10-2D-7 for maximum lot coverage:

A. Primary use required. An accessory structure shall only be allowed on lots with another permitted, limited, or conditional use as defined above, on the same lot.

B. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

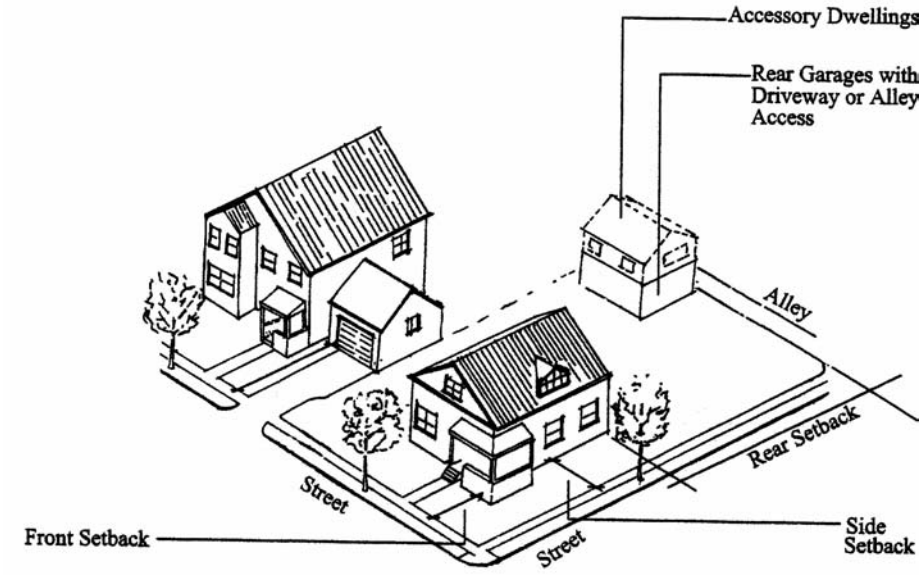
C. Building Height. The height of a detached accessory structure shall not exceed the height of the primary structure.

D. Buffering. A minimum 6 foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.

10-2D-6 Development Setbacks

Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sunlight, and air circulation. This section is also intended to promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of markets and other non-residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

Building setbacks are measured from perimeter of the structure to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed and illustrated below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. A Variance is required in accordance with Article 10-5B to modify any setback standard. If an existing border easement is in place, the setback is measured from the back of the border easement.



A. <u>Front Yard Setbacks</u>

1. A minimum setback of 16 feet is required, except that an unenclosed porch may be within 10 feet, as long as it does not encroach into a public utility easement.
2. Garages and carports shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 4 feet. Alternatively, garage and carport entrances may be built flush with the front building elevation when the building is set back by at least 20 feet.
3. Multi-family housing and other buildings that require Site Design Review (see Section 10-4C-2), shall also comply with the building orientation standards in Section 10-2C-9.

B. <u>Rear Yard Setbacks</u>

1. The minimum rear yard setback shall be 15 feet for street-access lots, and 6 feet for alley-access lots (except for accessory structures).
2. Accessory structures:
   a. Structures 120 square feet or under may be located on the rear and side property lines, so long as no eave overhangs the property line, the structure is not built on a permanent foundation, and the abutting property is protected from runoff or other intrusion.
   b. The minimum rear yard setback shall be 5 feet for all other accessory structures less than 15 feet tall and for accessory structures greater than 15 feet tall, an additional foot of rear yard setback shall be added per foot of height to a maximum of 15 feet.

C. <u>Side Yard Setbacks</u>

1. The minimum side yard setback shall be 5 feet on interior side yards and 15 feet on flanking street yards (street corner yards).
2. When zero-lot line development is permitted, the minimum side yard setbacks shall be 6 feet minimum on one side of the dwelling unit, and no setback required on the opposite side. (See standards for zero-lot line housing in Section 10-2C-3)

D. <u>Setback Exceptions</u>

The following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into

setbacks by no more than 2 feet. Porches, decks and similar structures not exceeding 24 inches in height may encroach into setbacks by no more than 5 feet, subject to the front yard setback provisions in "A". Walls and fences may be placed on property lines, subject to the standards in Section 10-3C-5 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N. Interior sideyard setbacks would be 0 feet for dwelling units that are attached by a common wall.

E. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half (½) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 12 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

10-2D-7 Lot Area, Dimensions, Coverage, & Residential Density

A. Residential Density Standard. The density standards in the following chart shall apply to all new development. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. The density standards may be averaged over more than one development phase (i.e., as in a planned unit development). Duplex and triplex or other multi-family lots used to comply with the density standard shall be so designated on the final subdivision or short subdivision plat.
2. The following types of housing categorized under other uses, are exempt from the density standards: Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities), social service facilities, and bed and breakfast inns. Additionally, Accessory Dwelling Units (ADU's) are exempt due to their small size and low occupancy level.

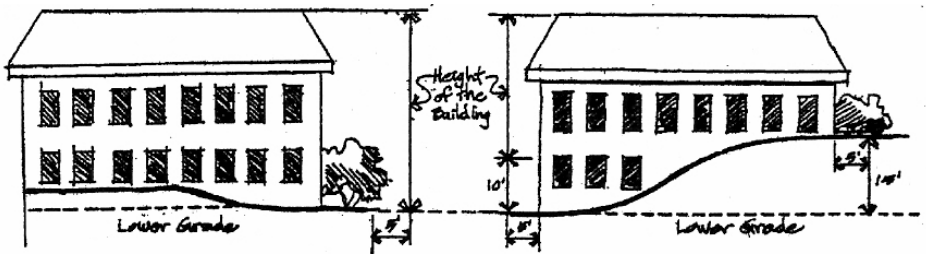
B. Maximum Lot Coverage. "Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

C. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

R-3 Land Use	***Lot Area***	***Lot Width / Depth***	***Lot Coverage***	***Residential Density***
Detached Single Family Housing; Manufactured Homes on Lots	Minimum area: 4000 square feet Maximum area: 8000 square feet	Minimum Width: 40 feet at front property line Maximum Depth: None	Maximum: 60 percent	Minimum Net Density: 12 dwelling units per acre Maximum Net Density: None

Two-Family Housing (duplex)	Minimum area: 5000 square feet Maximum area: 10,000 square feet	Minimum Width: 40 feet at front property line Maximum Depth: None	Maximum: 70 percent	Minimum Net Density: 12 dwelling units per acre Maximum Net Density: None
Attached (townhome) Single Family Housing	Minimum area: 2000 square feet Maximum area: 5000 square feet	Minimum Width: 20 feet at front property line Maximum Depth: None	Maximum: 70 percent	Minimum Net Density: 12 dwelling units per acre Maximum Net Density: None
Manufactured Home Parks	See Section 10-2D-3 for Manufactured Home Park standards.			Minimum Net Density: 12 dwelling units per acre Maximum Net Density: None
Multi-Family Housing	Minimum area for three-family (triplex): 7000 square feet Maximum area for three-family (triplex): 12,000 square feet Minimum area for multi-family (4 or more units): 7000 square feet. Maximum area: None	Minimum Width: 40 feet at front property line Maximum Depth: None	Maximum: 70 percent	Minimum Net Density: 12 dwelling units per acre Maximum Net Density: None
Other Uses	Minimum area: None Maximum area: None	Minimum Width: 50 feet at front property line Maximum Depth: None	Maximum: 70 percent	None

10-2D-8 Building Height



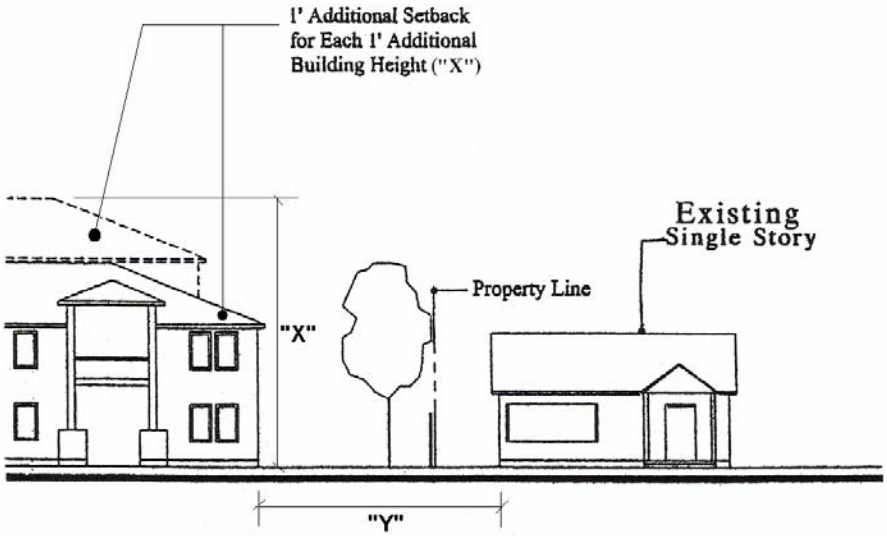
The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scale design:

A. Building Height Standard. Buildings within the R-3 Zone shall be no more than 35 feet tall. Building height may be restricted to less than this maximum when necessary to comply with the Building Height Transition standard in "C" below.

B. Method of Measurement. "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building (see above examples):

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection '1' above is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

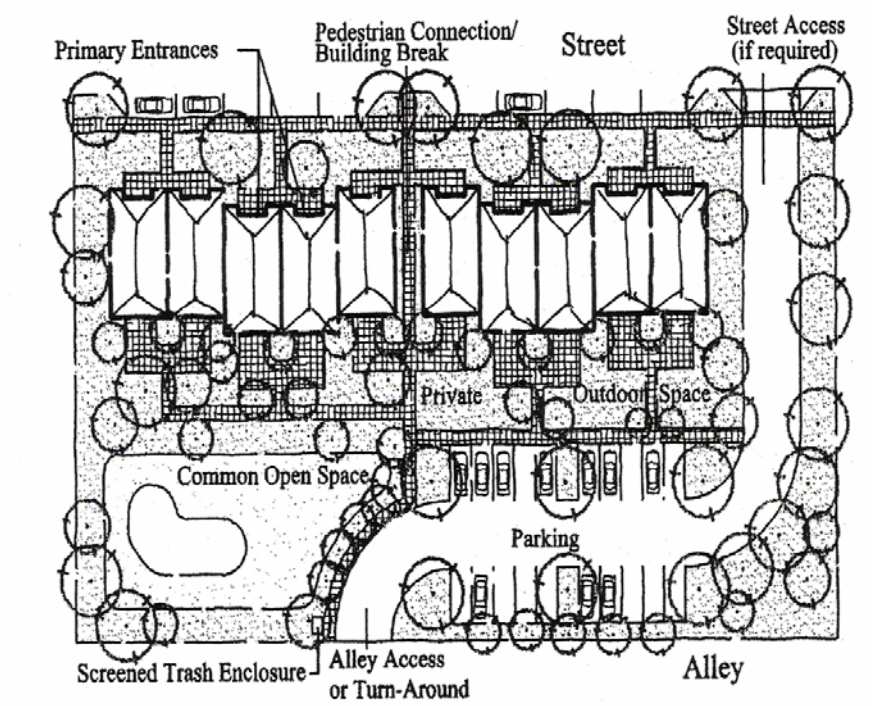
   Not included in the maximum height are: chimneys, roof equipment, flag poles, and similar features which are not for human occupancy, but may be restricted in height to protect views. Within residential zones, bell towers, steeples, and similar features are included within the maximum height and shall conform to the height requirements of the R-3 zone.



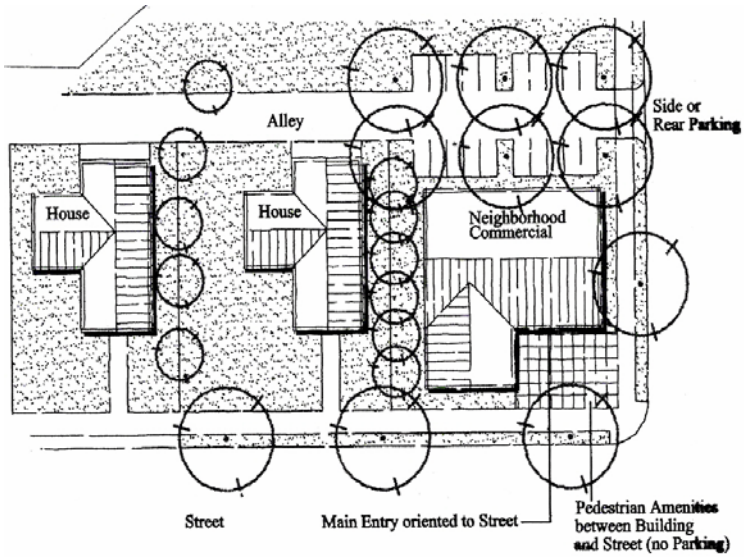
C. Building Height Transition. To provide compatible building scale and privacy between developments, taller buildings shall "step-down" to create a building height transition to adjacent single-story building(s).

1. This standard applies to new and vertically expanded buildings within 12 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.
2. The building height transition standard is met when the height of the taller building ("x") does not exceed one (1) foot of height for every one (1) foot of side yard separating the two buildings ("y"), as shown above up to a maximum 10' required side yard setback adjacent to the single story building.

10-2D-9 Building Orientation



Residential Single Family Attached Townhome or Multi-Family Orientation Example



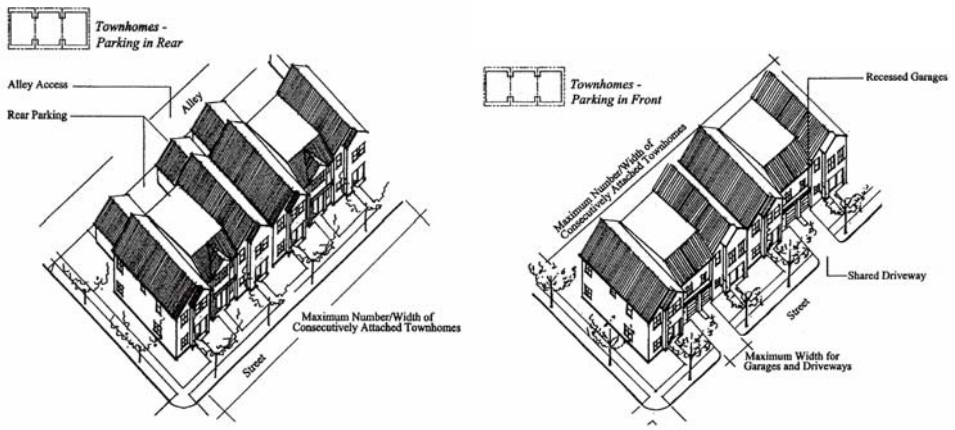
Non-Residential Orientation Example

A. Purpose. The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes-on-the-street”.

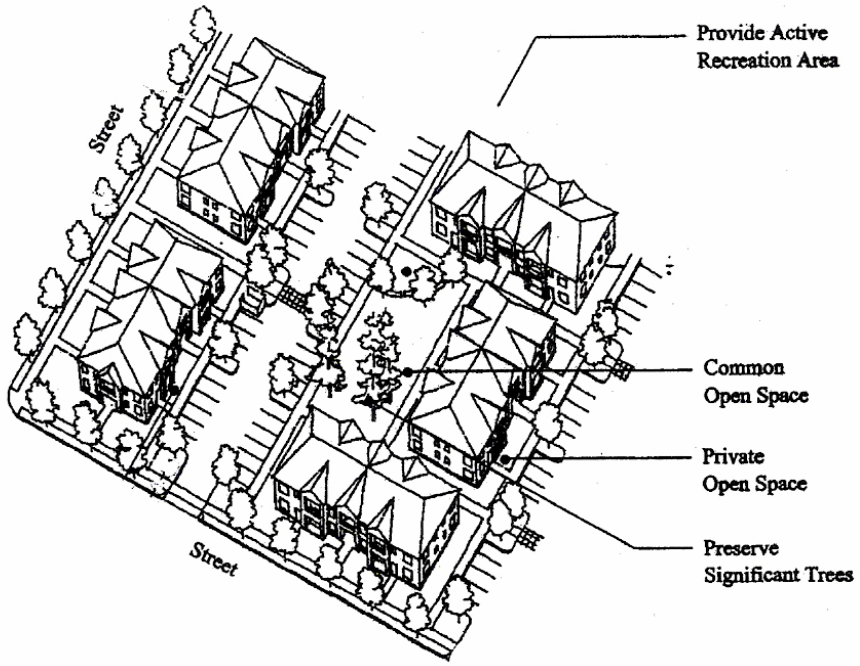
B. Applicability. This section applies to all buildings in the R-3 Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the R-3 zone are also required to comply with the standards outlined above in Section 10-2D-3 or 10-2D-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

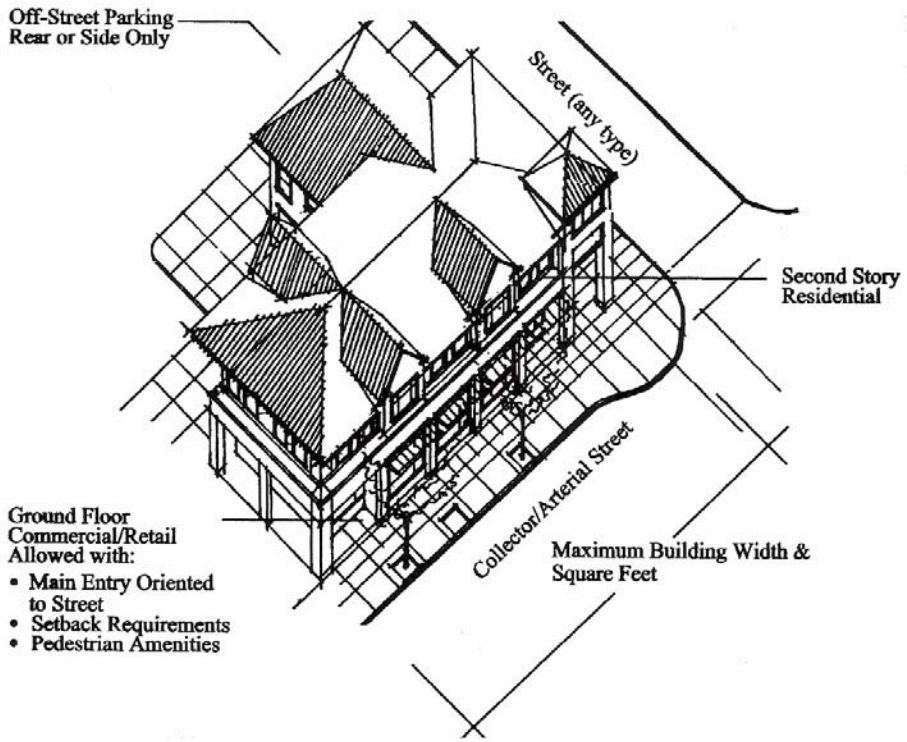
1. Compliance with the setback standards in Section 10-2D-6.
2. All buildings shall have their primary entrance(s) oriented to the street. Commercial and multi-family building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Article 10-3B - Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
3. Off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Section 10-3C-3, subsection H.



Residential Single Family Attached Townhome Alley and Street Access Examples



Multi-Family Example



Mixed Use / Commercial Orientation Example

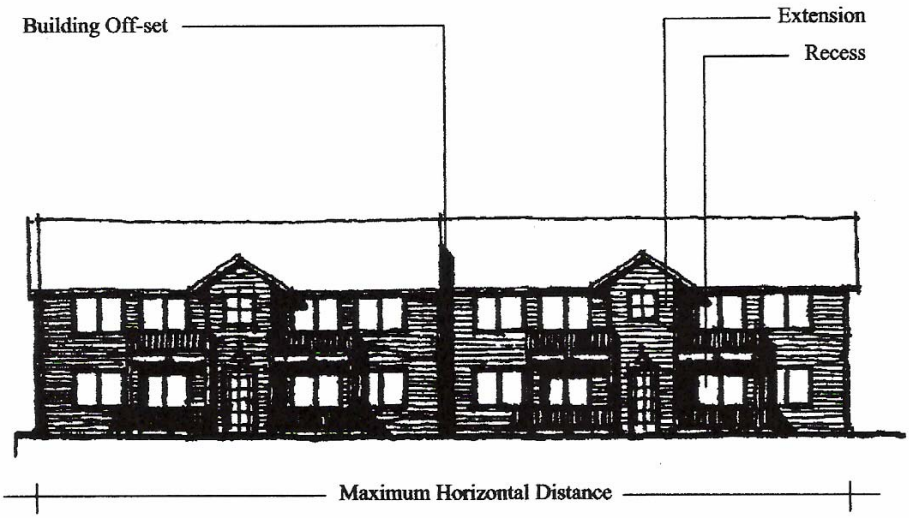
10-2D-10 Architectural Guidelines and Special Standards

A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the R-3 Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the R-3 zone are also required to comply with the standards outlined above in Section 10-2D-3 or 10-2D-4.

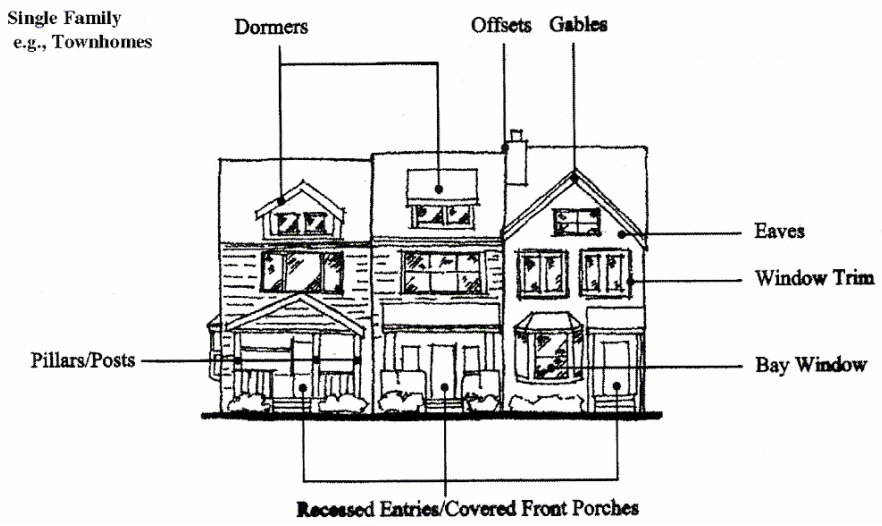
Buildings that do not require site design review are encouraged to incorporate these standards.

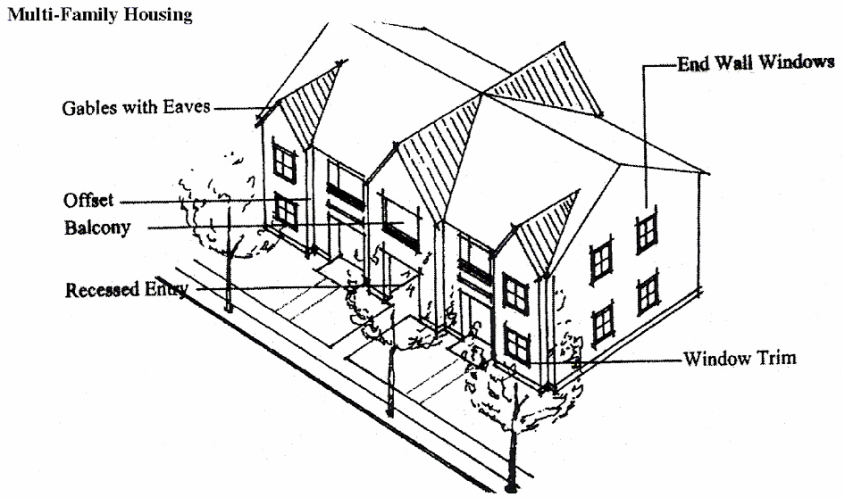
C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

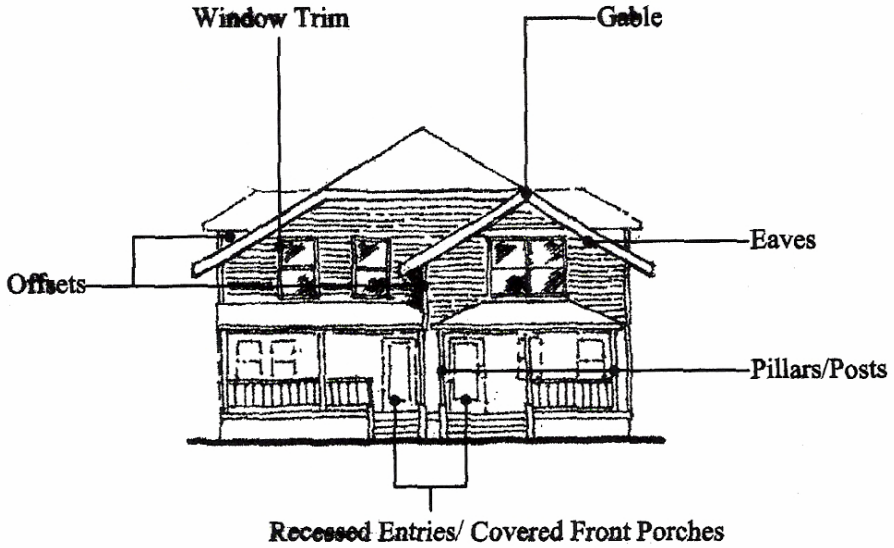


1. Building Form.
   The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 160 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:
   a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;
   b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
   c. Offsets or breaks in roof elevation of 2 feet or greater in height.

2. Eyes on the Street.
   All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 50 percent of the front (i.e., street-facing) elevation width, and a minimum of 25 percent of the side and rear building elevation width, as applicable, shall meet this standard. The standard applies to each full and partial building story.







3. Detailed Design.
   All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 2 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

a. Dormers
b. Gables
c. Recessed entries
d. Covered porch entries
e. Cupolas or towers
f. Pillars or posts
g. Eaves (min. 6-inch projection)
h. Off-sets in building face or roof (minimum 16 inches)
i. Window trim (minimum 4-inches wide)
j. Bay windows
k. Balconies
l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
m. Decorative cornices and roof lines (e.g., for flat roofs)
n. An alternative feature providing visual relief, similar to options a-n.

D. Materials. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials apply to new construction projects in the R-3 Zone:

1. Acceptable Roofing Materials
   a. Composition
   b. Concrete tile
   c. Slate
   d. Cedar Shake
   e. Metal - tile or shake only
   f. Copper Shake
   g. Other materials determined acceptable by the Planning & Community Development Director

2. Prohibited Roofing Materials
   a. Corrugated Metal

3. Acceptable Siding Materials
   a. Brick
   b. Stucco or Dryvit
   c. Cultured or Natural Stone
   d. Wood or Cedar Shake
   e. T-111 or Composite
   f. Vinyl Lap
   g. Other materials determined acceptable by the Planning & Community Development Director

4. Prohibited Siding Materials
   a. Corrugated Metal

5. Detailing
   a. Brick
   b. Stone
   c. Wood or Timber
   d. Board and Batten
   e. Other materials determined acceptable by the Planning & Community Development Director

10-2D-11 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the R-3 Zone will require compliance with the following and other applicable portions of this Code:

1. Article 10-3B - Access and Circulation
2. Article 10-3C - Landscaping, Street Trees, Fences and Walls
3. Article 10-3D - Vehicle and Bicycle Parking
4. Article 10-3E - Signage Standards
5. Article 10-3F - Other Design Standards
6. Article 10-3G - Public Facilities Standards
7. Article 10-3H - Stormwater Management
8. Article 10-3I - Property Maintenance Standards