

ARTICLE 2.4. RESTRICTED RESIDENTIAL ZONE

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8.2.401: GENERAL DESCRIPTION:

The Restricted Residential Zone is a zoning district in which the land has been found to be suitable for residential use which is, or is expected to become, a one- or two-family unit living area. Uses are generally limited to residential uses. (Ord. 493, 6-9-2016)

8.2.402: RESTRICTIONS:

In the Restricted Residential Zone, no building or premises shall be used nor shall any building or structure hereafter be erected or altered (unless provided in this title) except for the following uses in accordance with the standards set forth in this article. (Ord. 493, 6-9-2016)

8.2.403: PARCEL SIZE AND DENSITY:

The minimum parcel size in the Restricted Residential Zone shall be eight thousand two hundred fifty (8,250) square feet, with the following exceptions:

A. The maximum density within the boundaries of area of city impact of the City of Hayden Lake shall be one single-family dwelling per acre.

B. The minimum parcel size for parcels which are located over the Rathdrum Prairie Aquifer and are subject to the provisions of section 8.7.302 of this title shall be five (5.00) acres. (Ord. 493, 6-9-2016; amd. Ord. 574, 3-22-2022; Ord. 578, 9-8-2022)

8.2.404: USES OF RIGHT ON EXISTING PARCELS OF LESS THAN EIGHT THOUSAND TWO HUNDRED FIFTY SQUARE FEET:

A. Parcels created prior to January 3, 1973 which are less than eight thousand two hundred fifty (8,250) square feet in size shall be regarded as conforming parcels for purposes of this title.

B. Uses Permitted Of Right:

1. Primary Uses: Primary uses permitted of right shall be limited to one single-family dwelling, which may be a Class A manufactured homes, utility services, and public safety facilities.

2. Other Uses Permitted:

a. Accessory buildings.

b. Home occupations, subject to the standards set forth in section 8.4.501 of this title.

c. Temporary or intermittent recreational use of up to two (2) recreational vehicles, subject to the standards set forth in section 8.4.401 of this title.

d. One (1) personal storage building not to exceed two thousand (2,000) square feet may be built prior to the establishment of one or more of the uses listed in paragraph (1) of this subsection; provided, however, that a special notice permit shall be required for such personal storage buildings where the building will be two hundred (200) square feet or greater. No special notice permit shall be required for a personal storage building if the building will be four hundred (400) square feet or less and the setback areas from the structure to the property lines are two (2) times the normally applicable setback distances. See section 8.2.411 of this article. (Ord. 517, 1-25-2018; amd. Ord. 546, 10-17-2019)

8.2.405: USES OF RIGHT ON PARCELS OF EIGHT THOUSAND TWO HUNDRED FIFTY SQUARE FEET OR MORE BUT LESS THAN NINE THOUSAND NINE HUNDRED SQUARE FEET:

On parcels that are a minimum of eight thousand two hundred fifty (8,250) square feet but less than nine thousand nine hundred (9,900) square feet in size, the following uses are permitted, provided that all uses shall leave sixty five percent (65%) of the parcel as open space free from structures:

A. Primary uses:

Bed and breakfast inns, subject to the standards set forth in section 8.4.502 of this title.

One single-family dwelling, which may be a Class A manufactured home.

Publicly-owned parks, playgrounds, or recreational facilities.

Temporary office for the sale of real estate for a period not to exceed two (2) years.

Utility services.

B. Accessory uses: The following uses are allowed after one or more of the primary uses listed in subsection A of this section have been established:

Accessory buildings.

Automotive hobby activities, subject to the standards set forth in section 8.4.503 of this title.

Home occupations, subject to the standards set forth in section 8.4.501 of this title.

One accessory living unit, subject to the standards set forth in section 8.4.301 of this title.

Temporary hardship use, subject to the standards set forth in section 8.4.302 of this title.

The keeping of domestic fowl, subject to the following limitations:

Male chickens (roosters) shall not be kept.

Domestic fowl must be kept in a secure yard or other enclosure at all times.

C. Temporary or intermittent recreational use of up to two (2) recreational vehicles, subject to the standards set forth in section 8.4.401 of this title.

D. One (1) personal storage building not to exceed two thousand (2,000) square feet may be built prior to the establishment of one or more of the uses listed in subsection A of this section; provided, however, that a special notice permit shall be required for such personal storage buildings where the building will be two hundred (200) square feet or greater. No special notice permit shall be required for a personal storage building if the building will be four hundred (400) square feet or less and the setback areas from the structure to the property lines are two (2) times the normally applicable setback distances. See section 8.2.411 of this article. (Ord. 517, 1-25-2018; amd. Ord. 546, 10-17-2019)

8.2.406: USES OF RIGHT ON PARCELS OF NINE THOUSAND NINE HUNDRED SQUARE FEET OR MORE BUT LESS THAN FIVE ACRES:

On parcels that are a minimum of nine thousand nine hundred (9,900) square feet but less than five (5.00) acres in size, the following uses are permitted, provided that all uses shall leave sixty five percent (65%) of the parcel as open space free from structures:

A. Primary Uses:

Any of the other primary uses listed in section 8.2.405 of this article.

One single-family dwelling, which may be a Class A manufactured home, or one (1) two-family dwelling.

B. Accessory Uses:

1. Any of the accessory uses listed in section 8.2.405 of this article, subject to the applicable standards or limitations set forth in that section, are allowed after one or more of the primary uses of right permitted under this section have been established.

2. The keeping of livestock, subject to the following limitations:

a. The keeping of livestock shall be allowed only after one or more of the primary uses of right permitted under this section have been established.

b. The minimum area for the keeping of livestock shall be three-fourths ($\frac{3}{4}$) acre.

c. Livestock care and animal waste management must meet all applicable regulations of agencies with jurisdiction.

C. Recreational Use: Temporary or intermittent recreational use of up to two (2) recreational vehicles, subject to the standards set forth in section 8.4.401 of this title.

D. Storage: One (1) personal storage building not to exceed two thousand (2,000) square feet may be built prior to the establishment of one or more of the uses listed in subsection A of this section; provided, however, that a special notice permit shall be required for such personal storage buildings where the building will be two hundred (200) square feet or greater and the lot or parcel is less than one (1.00) acre in size. No special notice permit shall be required for a personal storage building if the building will be four hundred (400) square feet or less and the setback areas from the structure to the property lines are two (2) times the normally applicable setback distances. See section 8.2.411 of this article. (Ord. 517, 1-25-2018; amd. Ord. 546, 10-17-2019)

8.2.407: USES OF RIGHT ON PARCELS OF FIVE ACRES OR MORE:

On parcels that are a minimum of five (5.00) acres in size, the following uses are permitted of right, provided that all uses shall leave sixty five percent (65%) of the parcel as open space free from

structures:

A. Primary Uses: Any of the primary uses listed in sections 8.2.405 and 8.2.406 of this article.

B. Accessory Uses:

1. Any of the accessory uses listed in section 8.2.405 and 8.2.406 of this article are allowed after one or more of the primary uses of right permitted under this section have been established.

2. Accessory uses shall be subject to the applicable standards or limitations set forth in section 8.2.405 or 8.2.406 of this article, except that the keeping of domestic fowl may include male chickens (roosters), and domestic fowl need not be kept in a secure yard or other enclosure.

C. Recreational Use: Temporary or intermittent recreational use of up to two (2) recreational vehicles, subject to the standards set forth in section 8.4.401 of this title.

D. Storage: One personal storage building not to exceed five thousand (5,000) square feet may be built prior to the establishment of one or more of the primary uses listed in subsection A of this section. (Ord. 517, 1-25-2018; amd. Ord. 546, 10-17-2019)

8.2.408: USES PROHIBITED:

Except as permitted of right or with a conditional use permit or special notice permit as set forth in this article, the following uses are prohibited:

Commercial uses.

Industrial uses.

Manufacturing uses.

The keeping of domestic fowl on parcels of less than eight thousand two hundred fifty (8,250) square feet in size.

The keeping of livestock on parcels of less than three-fourths (3/4) acre in size. (Ord. 493, 6-9-2016; amd. Ord. 546, 10-17-2019)

8.2.409: SETBACKS AND OFF STREET PARKING:

A. Setbacks: The following setbacks shall apply to all structures in the Restricted Residential Zone:

Setback Type	Distance
Front yard	25 feet
Side yard	10 feet
Side yard, with an alley	6 feet
Rear yard	25 feet
Flanking street	15 feet

B. Off Street Parking: Standards for off street parking are set forth in section 8.4.1301 of this title. (Ord. 493, 6-9-2016)

8.2.410: USES REQUIRING A CONDITIONAL USE PERMIT:

Child care centers, preschools, or Head Start facilities.

Commercial resorts.

Golf courses or driving ranges.

Places of worship or assembly.

Privately owned recreational facilities which are open to public use.

Public safety facilities or public service facilities.

Public utility complex facilities.

Residential care facilities.

Resort lodges, retreat centers, or guest ranches.

Schools. (Ord. 517, 1-25-2018)

8.2.411: USES REQUIRING A SPECIAL NOTICE PERMIT:

Annual special event locations, subject to the standards set forth in section 8.5.204 of this title.

Except as provided in subsection 8.2.404(B), subsection 8.2.405(D), or subsection 8.2.406(D) of this article, one (1) personal storage building on a lot or parcel under one (1.00) acre in size where one or more of the primary uses listed in sections 8.2.405 and 8.2.406 of this article, or one or more of the uses listed in section 8.2.410 of this article, have not yet been established. Such buildings shall not exceed two thousand (2,000) square feet in size.

Lighting for any outdoor recreational facility permitted of right.

One Class B manufactured home.

Private resorts.

Utility complexes. (Ord. 493, 6-9-2016; amd. Ord. 546, 10-17-2019)