

SUMMARY OF
DOVER INTERIM DEVELOPMENT ORDINANCE #12

AN ORDINANCE ESTABLISHING INTERIM REGULATIONS FOR LAND AND BUILDING DEVELOPMENT IN THE CITY OF DOVER:

CHAPTER I STATES THE PURPOSE OF THESE REGULATIONS, IDENTIFIES THE AUTHORITY BY WHICH THEY ARE ADOPTED; AND PROVIDES RULES FOR THE INTERPRETATION OF THIS ORDINANCE.

CHAPTER II PROVIDES FOR THE APPOINTMENT OF A ZONING ADMINISTRATOR.

CHAPTER III ESTABLISHES PERMIT APPLICATION AND REVIEW, APPEALS AND VARIANCE, HEARING, AND AMENDMENT PROCEDURES, AND PROVIDES FOR THE ENFORCEMENT OF THESE REGULATIONS.

CHAPTER IV CREATES ZONING DISTRICTS, ADOPTS A ZONING MAP, AND PROVIDES RULES FOR NONCONFORMING USES.

CHAPTER V LISTS PERMITTED AND SPECIAL USES ALLOWED IN THE DOVER INTERIM ZONING DISTRICT AND ESTABLISHES SPECIFICATION STANDARDS.

CHAPTER VI ESTABLISHES PERFORMANCE STANDARDS FOR ALL DEVELOPMENT, SPECIAL USES, AND LARGE SCALE DEVELOPMENT, AND PERFORMANCE STANDARDS FOR CONTINUING MAINTENANCE OF ANY IMPROVEMENTS REQUIRED FOR COMPLIANCE WITH THIS ORDINANCE.

CHAPTER VII ESTABLISHES REGULATIONS FOR LOT SPLITS AND SUBDIVISION DESIGN, AND REQUIRES THAT CERTAIN IMPROVEMENTS BE PROVIDED IN ALL SUBDIVISIONS.

CHAPTER VIII ESTABLISHES SIGN REGULATIONS.

CHAPTER IX DEFINES IMPORTANT TERMS.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DOVER THAT THIS ORDINANCE WILL BE IN FULL FORCE AND EFFECT UPON ITS PUBLICATION ACCORDING TO THE LAW IN THE BONNER COUNTY DAILY BEE, A NEWSPAPER OF GENERAL DISTRIBUTION IN THE CITY OF DOVER, IDAHO, AND HEREBY DECLARED TO BE THE OFFICIAL NEWSPAPER FOR THE PUBLICATION OF THIS ORDINANCE.

PASSED AND ADOPTED AS AN ORDINANCE OF THE CITY OF DOVER, IDAHO ON OCTOBER 16, 1990.


MAYOR, CITY OF DOVER


CLERK, CITY OF DOVER

The official interim zoning map (on file at the meeting room in the Westside Fire Hall) was adopted concurrent with the adoption of this ordinance.

CITY OF DOVER

INTERIM ZONING ORDINANCE

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DOVER DRAFT
CHAPTER I - PURPOSE, AUTHORITY, AND GENERAL PROVISIONS

A. Purpose. The purpose of this ordinance shall be to promote the health, safety, and general welfare of the people of Dover by establishing effective interim control of land development until a comprehensive plan and consistent subdivision and zoning ordinances are adopted. This interim ordinance permits low density residential development, the keeping of livestock on larger lots, home occupations, minor utility installations, and minor changes of occupancy in existing commercial buildings as uses-by-right. ALL other uses are either prohibited or permitted only by special use permit. This intensive review of all significant proposed land use changes will assure that planning options are not foreclosed by insensitive development during the planning process.

B. Authority. This ordinance is adopted pursuant to the authority granted by I.C. 67-6524 which permits a governing board, upon finding that a plan is being prepared, to adopt interim ordinances.

C. Time Limitation. As required by I.C. 67-6524, the "definite period of time" for which this interim ordinance shall be in full force and effect is 24 months (730 days) from its effective date.

D. Conflicting Ordinances Repealed. Prior city ordinances are repealed to the full extent of their inconsistency with this ordinance.

E. Relationship to Other Laws. Where state or federal law impose additional standards on the activities regulated by this ordinance, the most restrictive standard shall govern.

F. Impact on Private Agreements. This ordinance does not nullify easements, covenants, deed restrictions, and similar private agreements, but where any such private agreement imposes standards less restrictive than those of this ordinance, the ordinance shall govern.

G. Burden of Proof. The burden of proof shall, in all proceedings pursuant to this ordinance, rest with the developer.

H. Interpretation. All ordinance provisions shall be interpreted as being the minimum requirements necessary to protect the public health, safety, and general welfare.

I. Severability. If any provision of this ordinance is held to be invalid by any court, the remainder shall continue in full force.

CHAPTER II - ADMINISTRATION

A. Governing Board to Exercise Powers. The council shall, as permitted by I.C. 67-6504, exercise the powers granted by the Local Planning Act.

B. Zoning Administrator. The mayor shall, subject to confirmation by the council, appoint an administrator, who has the following duties:

1. assist the public in understanding the requirements of this ordinance;
2. accept applications for permits required by this ordinance;
3. review building permit applications for compliance this ordinance;
4. arrange for professional review of special use permit applications;
5. issue certificates of occupancy, based on on-site inspections;
6. investigate possible violations of this ordinance;
7. properly account for all fees collected in the administration of this ordinance, and prepare monthly and annual reports of building activity; and
8. perform all other duties assigned by this ordinance.

C. Assignment of Liability. No person who acts in good faith and without malice in the performance of duties assigned by this ordinance shall be held liable for errors or omissions in its administration. A suit brought against such an individual shall be defended by the city and any judgment resulting from such a suit shall be the liability of the city.

CHAPTER III - ADMINISTRATIVE PROCEDURES

Division 1 - Permit Procedures

A. Permit Required. A permit shall be required for any division of land, grading, construction, reconstruction, or any land development or building activity, except as specifically exempted by III.B. Applications for permits shall be processed as described in this chapter.

B. Exemptions. Activities listed here are not exempt from any requirement of this ordinance, except the requirement for a permit. No permit shall be required for:

1. property boundary adjustments, in which no new lot is created, but property lines are adjusted in compliance with VI.I.3.;
2. remodelings that do not alter the exterior dimensions of the building involved;
3. construction of accessory buildings of less than 120 square feet in floor area and less than 10 feet in height;
4. installation of fences of six feet or less in height (warning: even though no permit is required, placement of fences may be affected by the requirements of this ordinance, see VI.G.);
5. minor utility installations; and

6. certain signs, as provided in VIII.B.

C. Application Forms. Applications shall be submitted on forms provided by the city and multiple copies of applications and supporting materials may be required by the administrator. Incomplete applications shall be disapproved.

D. Application Fees. Application fees for each type of permit established by this ordinance shall be established by resolution of the council.

E. Building Permits. The building permit procedure assures that "by-right" land development and building activity is in compliance with this ordinance. Applications for building permits shall follow the procedure described here.

1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.

2. The administrator shall determine whether the proposed building or use complies with this ordinance. If the proposed building or use is in compliance, the application for a permit shall be approved. If the proposed building or use is not in compliance, the application for a permit shall be disapproved.

3. The administrator shall notify the developer of his or her decision within 10 days, except as provided in 4., below.

4. The administrator may refer any building permit application to the council for confirmation of its compliance or lack of compliance with this ordinance. Such referrals shall be placed on the agenda of the next regular council meeting.

5. The administrator's decision may be appealed to the council using the appeals procedure of III.J.

F. Special Use Permits. The purpose of the special use permit procedure in this interim ordinance is to provide limited flexibility for property owners, while assuring quality development that does not foreclose planning options. The special use permit process features intensive public review and requires that developments comply with performance standards designed to assure compatibility with neighboring uses, the landscape setting, and the capacity of public facilities and services. Applications for special use permits shall follow the procedure described here.

1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.

2. The administrator shall place a public hearing on the application on the agenda of the next regular council meeting for which the following notice requirements can be met:

a. notice shall be provided by certified mail to all adjoining property owners and all owners of property within 300 feet of the site at least 15 days before the hearing, except as provided in e., below;

b. notice shall be provided by newspaper publication of two legal notices in the official newspaper, with the first newspaper notice appearing at least 15 days prior to the hearing and the second one week later; and

c. at least seven days before the hearing, a sign displaying the required notice shall be placed on the site. Such signs shall be prominently visible, with essential information (body before which hearing will be held; hearing date, time, and place) being clearly legible from the nearest public street.

d. Notice shall also be provided by first class mail to the media and interested parties on a list maintained by the administrator. The developer shall not be liable for nonreceipt of these notices.

e. Where more than 200 certified mail notices would be required, the developer may limit certified mail notice to adjoining property owners only, while still providing other required forms of notice.

f. All notices shall comply with III.H. The developer shall provide evidence that notice has been given in the form of certified mail receipts and affidavits of publication and posting.

3. The administrator may contract with a landscape architect or planner for professional review of the application, with the cost of that review being covered by the application fee. Such reviews shall be prepared in the form of a written report submitted to the administrator for use at the hearing. The administrator shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials.

4. The council shall conduct a public hearing on the proposed special use following the procedure established in III.L. No application for a special use shall be reviewed if the developer or a representative is not present.

5. The council shall determine whether the proposed special use is in compliance with this ordinance. If the proposed special use complies, the application shall be approved. If the proposed special use does not comply, the application shall be disapproved. Conditions may be attached to the approval of a permit, as provided in III.G.

6. The administrator shall notify the developer and interested parties of the council's decision within 10 days.

7. The developer may file a proposed record of survey or final plat with the administrator at any time after a special use permit for a lot split or subdivision is approved. Phased final platting is permitted by VII.I.

8. The administrator shall place the record of survey or final plat on the agenda of the next council meeting.

9. No public notice or public hearing is required for records of survey or final plats, but no record of survey or final plat shall be reviewed if the developer or a representative is not present.

10. The council shall review the record of survey or final plat and determine whether it is in compliance with the special use permit and this ordinance. If the record of survey or final plat complies, it shall be approved. If the record of survey or final plat does not comply, it shall be disapproved. Conditions may be attached to the approval of any record of survey or final plat, as provided in III.G.

11. The administrator shall notify the developer and interested parties of the council's decision within 10 days.

12. Approval of a lot split or subdivision does not constitute or imply approval of a permit for any prospective use of any lot created.

G. Conditions. Conditions may be imposed on special use permit approvals or variances, if:

1. the conditions are clearly designed to assure compliance with one or more specific requirements of this ordinance;
2. a list of all conditions imposed is provided to the developer with notification of the council's decision. That list shall specifically identify the provision of this ordinance the condition is designed to implement.

H. Hearing Notices. Required hearing notices shall provide the following information (for models see Appendix A):

1. the name and mailing address of the developer;
2. a legal description of the development site;
3. the address of the development site, or another general description by which the public can identify the site;
4. the present land use at the site;
5. the proposed use and, for subdivisions, the proposed number of lots and average proposed lot size;
6. the body that will conduct the hearing;
7. the date, time, and place of the hearing;

8. a statement of the availability of application materials for public review, and

9. a statement that "Public comment is encouraged."

I. Approvals Valid for One Year. Permits shall be valid for one year from the date of approval, unless extended by a development agreement, as provided in VII.J.

Division 2 - Appeals and Variances

J. Appeals. Decisions of the administrator may be appealed to the council using the procedure described here.

1. The appellant shall file a properly completed appeals form, the required supporting materials, and the required appeals fee with the administrator.

2. The administrator shall place a hearing on the appeal on the agenda of the next regular council meeting for which the notice requirements can be met. Notice requirements for an appeal shall be the same as for the permit application.

3. The council shall conduct a hearing on the appeal following the procedure established in III.L. No appeal shall be heard if the appellant or a representative and, when the appellant is not the developer, the affected developer or a representative is not present.

4. The council shall determine whether the decision being appealed is in compliance this ordinance, and affirm, modify, or overturn that decision accordingly.

5. The administrator shall notify the appellant and interested parties of the council's decision within 10 days.

K. Variances. Variances are intended to provide relief for landowners who, due to some unique physical characteristic of their property that is beyond their control, would have no beneficial use of the property if this ordinance is strictly enforced. Applications for variances shall follow the procedure described here.

1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.

2. The administrator shall place a hearing on the appeal on the agenda of the next regular council meeting for which the notice requirements can be met. Notice requirements for a variance shall be the same as for a special use permit.

3. The council shall conduct a hearing on the proposed variance following the procedure established in III.L. No application for a variance shall be reviewed if the developer or a representative is not present.

4. The council shall approve a variance only upon finding that:

- a. the need for a variance results from physical limitations unique to the lot on which the variance is requested;
 - b. failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot is possible without a variance;
 - c. the alleged hardship has not been created by action of the lot's owner or occupants;
 - d. approval of the variance will not create a nuisance or result in potential harm to adjoining properties or the neighborhood;
 - e. approval of the variance will not have an adverse affect on the implementation of the comprehensive plan, and
 - f. the variance is the minimum relief from the requirements of this ordinance necessary to permit a reasonable conforming use.
5. Conditions may be attached to the approval of a variance, as provided in III.G.
 6. The administrator shall notify the developer and interested parties of the council's decision within 10 days.

Division 3 - Hearing Procedure

L. Hearing Procedure. This procedure shall be followed in all hearings.

1. The presiding officer shall announce the purpose and subject of the hearing.
2. The presiding officer shall determine whether proper notice of the hearing has been provided. That determination shall be based on the submission of affidavits of publication and posting and certified mail receipts showing full compliance with the notice requirements of this ordinance. If proper notice has not been provided, the hearing shall be re-scheduled.
3. The presiding officer shall determine whether the application form required by this ordinance is complete and includes all required supporting materials. If the application is not complete, the hearing shall be re-scheduled.
4. The presiding officer shall ask if any council member wishes to declare a conflict of interest, as defined by I.C. 67-6506, in the matter to be heard and excuse any member who declares such a conflict from participation in the hearing.
5. The presiding officer shall ask the administrator to present a report on the proposal being considered.

6. The presiding officer shall direct questions from council members to the administrator. Questions asked at this time shall be solely for the purpose of clarifying the location and nature of the proposed development.

7. The presiding officer shall remind those present that all statements given must address the merits of the proposed development as measured by its compliance or lack of compliance with the comprehensive plan and this ordinance.

8. The presiding officer shall ask for a statement from the developer or his or her representative. Council members may ask questions following this statement. All questions and replies shall be directed through the presiding officer.

9. Following the developer's statement, the presiding officer shall ask for statements from the public. Persons giving statements shall begin by stating their name and mailing address. Council members may ask questions following any statement. All questions and replies shall be directed through the presiding officer.

10. When all statements have been given, the presiding officer shall ask if any person who gave a statement wishes to speak in rebuttal to other statements or to clarify their statement. Neither new statements nor the introduction of new evidence shall be permitted at this time. Questions from council members may follow each rebuttal or clarification.

11. The presiding officer shall close the public hearing and call for discussion by the council. That discussion shall lead to action on the matter being considered.

12. Written statements, plans, drawings, photographs, or other materials offered in support of statements at a hearing are part of that hearing's record and shall be retained by the city. Supporting materials shall be left with the administrator after each statement is made.

M. Additional Hearing Procedures. The council may, at the beginning of any hearing, act to impose time limits on the statements given in order to assure completion of the agenda.

N. Hearings To Be Taped. As required by I.C. 67-6536, the administrator shall keep a transcribable tape record of all hearings on file for at least six months after the final hearing on the development.

O. Decision Record. All decisions of the council shall be reported in the form of findings of fact and conclusions of law, as required by I.C. 67-6535. The completed decision record shall include the application materials and any report prepared by or on contract for the administrator.

P. Decision Deadline. This section establishes the "reasonable time" for deliberation on applications by the council required by I.C. 67-6519. The council shall make a decision on any application for a permit within 60 days of the hearing, if a hearing is required by this ordinance, or within 60 days of the meeting at which the application

first appeared on the council agenda, except that the council may table an application for which a large scale development study is required by VI.R. for a period of more than 60 days while the required study is conducted. The maximum time permitted for a large scale development study shall be 120 days.

Division 4 - Enforcement

Q. Failure to Obtain a Permit. Whenever the administrator becomes aware of an activity for which a permit is required by this ordinance, but for which a

permit has not been approved, he or she shall notify the occupant (and owner, if they are not the same) of the site to immediately cease all unpermitted activity. Notice shall be given by posting on the site and first class mail. If activity does not cease, the administrator shall ask the city attorney to take prompt action, as authorized by I.C. 67-6527, to end the unpermitted activity and, if a permit is not subsequently issued, to require restoration of the site to its original condition. Required restoration shall include restoration of vegetative cover where sites have been graded in violation of this ordinance.

R. Certificate of Occupancy. A certificate of occupancy shall be issued before any building or use is occupied. A certificate of occupancy indicates that an on-site inspection has shown that the building or use complies with this ordinance, including any conditions imposed upon its approval. Occupancy of a building or use without a certificate of occupancy shall be a violation of this ordinance. The issuance of a certificate of occupancy shall not be construed as approval of any violation of this ordinance that may have been undiscovered during the inspection.

S. Temporary Certificate of Occupancy. A temporary certificate of occupancy may be issued to permit temporary use of a building in cases where weather prevents the timely completion of such required improvements as landscaping. No temporary certificate of occupancy shall be issued for more than 90 days.

T. Enforcement Actions. The process for enforcement of this ordinance shall be as described here.

1. The administrator shall notify the occupant (and owner, if they are not the same) of the violation by first class mail and/or posting on the site. The notice shall describe the violation, cite the sections of this ordinance being violated, and order the occupant to attain compliance within 30 days.

2. Any person who receives a notice of violation may request inspection by the administrator to show that compliance has been attained within the 30 days allowed, or:

- a. file a written request with the administrator for an extension of time to attain compliance, with such extensions being limited to a maximum of 60 days and culminated by an inspection to show that compliance has been attained; or

- b. file an appeal of the administrator's notice, following the appeals procedure of III.J.

3. The administrator shall notify any occupant or owner who fails to attain compliance within the specified time, or to show, on appeal, that a violation has not occurred, that the council will hold a hearing to consider legal action on the violation at a specified date, time, and place. This notice shall be posted on the site and sent by first class mail at least 15 days before that hearing, repeat the description of the violation from the original notice, and cite the penalties that may be imposed for violations of this ordinance, as established in III.U.

4. The council shall hold a hearing to consider action on the violation. The occupant or owner shall be permitted to present evidence that a violation has not occurred. If the council finds that a violation has occurred it may:

- a. specify a time within which compliance shall be attained or the matter automatically pursued by the city attorney; or
- b. direct the city attorney to immediately initiate civil and/or criminal actions to bring the building or use into compliance.

U. Penalties. Violations of this ordinance shall be a misdemeanor, and shall be punishable by a fine in any amount not exceeding \$300.00, or by imprisonment for a period of not longer than 30 days, or by both fine and imprisonment. Each day in which a violation continues shall be considered a separate offense.

Division 5 - Amendments

V. Amendments. Any person may petition for the amendment of this ordinance. The amendment procedure shall be as described here and in I.C. 67-6511.

1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.
2. The administrator shall place a hearing on the application on the agenda of the next regular council meeting for which notice requirements can be met. Notice requirements for an amendment shall be as set by I.C. 67-6511(b)).
3. The administrator may contract with a planner for professional review of the application, with the cost being covered by the application fee. Such reviews shall be prepared in the form of a written report submitted to the administrator for use at the hearing. The administrator shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials.
4. The council shall conduct a hearing on the proposed amendment following the procedure established in III.L. No application for an amendment shall be reviewed if the developer or a representative is not present.

5. The council shall determine whether the proposed amendment is consistent with the city's current planning objective of maintaining the maximum number of planning options. If the proposed amendment is consistent with that objective, it shall be approved. If the proposed amendment is not consistent with that objective it shall be rejected.

6. The administrator shall notify the developer and interested parties of the council's decision within 10 days.

CHAPTER IV - ESTABLISHMENT OF ZONING DISTRICTS/ADOPTION
OF ZONING MAP/NONCONFORMING USES

A. Zoning District. For the purposes of this interim ordinance, the "Dover Interim Zoning District" shall include the entire area within the city.

B. Overlay Zoning Districts. The overlay zoning districts described below are established to impose additional regulations in special areas within the "Dover Interim Zoning District". Where overlay zoning districts overlap, the additional regulations imposed by both shall apply.

1. River Corridor Overlay Zoning District. The River Corridor Overlay Zoning District shall consist of all land within feet of the of the Pend Oreille River, all additional land included in the 100 year floodplain mapped by the Federal Emergency Management Agency, and the entire contiguous area of all jurisdictional wetlands within the river corridor.

2. Highway Corridor Overlay Zoning District. The Highway Corridor Overlay Zoning District shall consist of all land within 220 feet of the right-of-way of U.S. Highway 2.

3. Hillside Overlay Zoning District. The Hillside Overlay Zoning District shall consist of all land within the city which has an average slope of 8% or more.

C. Interim Zoning Map. The "Interim Zoning Map of the City of Dover" is adopted, by reference, as part of this ordinance. A dated copy of that map, certified to be correct by the signatures of the mayor and city clerk, shall be maintained for public inspection at the post office.

D. Zoning District Boundaries. Overlay zoning district boundaries shall be as defined in this ordinance and as shown on the "Interim Zoning Map of the City of Dover". Any person who disputes the location of an overlay zoning district boundary, as interpreted by the administrator, may request council review of the administrator's decision using the appeals process of III.J.

E. Nonconforming Uses and Buildings. Nonconforming uses and buildings may continue subject to the rules established here. While the purpose of these rules is to help eliminate nonconforming uses, it is recognized that routine maintenance and repair and, in some cases, a change of occupancy to another nonconforming use or replacement of a nonconforming building may be necessary to prevent community blight.

1. Any nonconforming use abandoned for more than 12 months shall be terminated. Abandonment shall not be measured by the owner's intent, but solely by the fact that use ceases for a period of 12 or more months.

2. There shall be no limit on repair or maintenance activities for nonconforming uses or buildings, provided that no such activity shall increase the degree of nonconformity.

3. Changes in occupancy may be permitted in nonconforming commercial or industrial buildings, provided that the new occupancy is no more intense (with intensity being measured by traffic and noise generation, parking requirements, and similar factors) than the existing. Requests for such changes in nonconforming occupancies shall be processed as applications for a special use permit.

4. Nonconforming buildings may be replaced, but only where the effect of the replacement is to lessen the adverse impact of the nonconformity on the community, and where the degree of nonconformity is not increased. Requests for replacement of nonconforming buildings shall be processed as applications for special use permits, except that any nonconforming building destroyed by fire or other catastrophe may be replaced without a special use permit if the degree of nonconformity is not in any way increased, and if the replacement is completed within 12 months of the building's destruction.

5. There shall be no expansion of uses that have nonconforming buffers except where required buffers are provided for the entire parcel.

CHAPTER V - ZONING DISTRICT REGULATIONS

A. Prohibited Uses. Any use not explicitly permitted by this ordinance is prohibited.

B. Dover Interim Zoning District.

1. The permitted uses in this zoning district shall be:

a. one single family dwelling served by city water and sewerage utilities on a lot of 20,000 square feet or more;

b. the keeping of one large animal (one horse, llama, sheep, cow, or goat, including offspring until weaned) for each 20,000 square feet of lot area;

c. home occupations, in compliance with the performance standards of Appendix B;

d. minor utility installations, and

e. minor changes of occupancy in existing commercial buildings. A minor change in occupancy is a change to any use in SLUC codes 52 through 72 that does not involve expansion of the building or the creation of a new or expanded outdoor sales, work, or storage area.

2. Specification standards for this zoning district are given in Table V.1. Performance standards are established in Chapter VI.

3. The special uses that may be proposed in this zoning district are:

a. lot splits and subdivisions;

b. single or multiple family dwellings served by city water and sewerage utilities and developed at densities of no greater than four dwelling units per acre;

c. major changes of occupancy in existing commercial buildings in the Highway Corridor Overlay Zoning District; and

d. new or expanded public and commercial uses or buildings in the Highway Corridor Overlay Zoning District.

 TABLE V.1. -- SPECIFICATION STANDARDS FOR PERMITTED USES

specification standard	no overlay	RCOD	HCOD	HOD
maximum building height	30 feet	"	"	"
minimum front setback	25 feet	"	50 feet	25
minimum side setback	10 feet	"	"	"
minimum rear setback	25 feet	"	"	"
maximum lot coverage (residential/commercial)	50%/70%	10%/10%	50%/70%	10%/10

RCOD = River Corridor Overlay Zoning District; HCOD = Highway Corridor Overlay Zoning District; HOD = Hillside Overlay Zoning District

CHAPTER VI - PERFORMANCE STANDARDS

Division 1 - Performance Standards Applicable to All Development

A. Applicability. Division 1 performance standards apply to both uses by right and special uses. Division 2 performance standards apply to special uses. Division 3 performance standards apply to large scale developments and Division 4 performance standards govern the maintenance of improvements required for compliance with the other performance standards.

B. Access to Public Streets.

1. All access driveways, including residential driveways, shall comply with the spacing standards for access driveways from off-street parking and loading areas found in Appendix C.

2. The number of points of access to U.S. Highway 2 shall be minimized by reliance on access via other streets wherever possible. Where access to U.S. Highway 2 is unavoidable, site planning shall emphasize on-site circulation to minimize the number of highway access points.

C. Easements. No building shall be placed in any utility easement, public or private. Only wire or rail fences, or solid wood fences with a separable section across the easement may be constructed across utility easements.

D. Nuisances. All potential nuisances and hazards shall be mitigated by appropriate means.

1. No development shall create excessive levels of noise or vibration beyond its property line.

2. No development shall direct light, glare, or heat beyond its property line. Welding equipment and other sources of intense light or glare shall be shielded from the view of neighboring properties or public ways by enclosure in a building, location on the property, or construction of a fence or wall.

3. No development shall create electrical interference that adversely affects other uses.

4. No development shall generate dust, smoke, odors, or other airborne pollutants that travel beyond its property line, except as permitted by state and federal air quality standards.

5. All solid waste shall be stored in enclosures or containers and shall not:

a. attract rodents or other vermin, or be susceptible to spillage by dogs or cats;

b. generate odors beyond the property line or liquid runoff; or

c. permit blowing of paper and other lightweight waste.

d. All commercial, industrial, and high density residential solid waste handling areas and containers shall be effectively screened from the public view by enclosure in a building, location on the property, or construction of a fence or wall.

E. Off-Street Parking and Loading. All buildings and uses shall provide the off-street parking and loading areas required by Appendix C.

F. River Corridor Development. Land within the River Corridor Overlay Zoning District presents unique opportunities for beneficial development. It is also uniquely vulnerable to development that is insensitive to the water quality, wildlife, and scenic values of the river corridor. Any development proposed in this overlay zoning district shall demonstrate that it results in no loss of existing and potential water quality, wetlands, wildlife, or scenic values, and that it forecloses no significant optional development patterns for the river corridor that may be considered in the comprehensive plan.

G. Visibility at Intersections and Driveways. A clear vision triangle shall be maintained at all intersections and points of access to a public street.

1. No solid fence or wall, planter, hedge, shrub, or other visual obstruction more than three feet in height above grade shall be permitted in a clear vision triangle.
2. No parking shall be permitted in a clear vision triangle.
3. Trees shall be permitted in clear vision triangles, but only if all branches are removed to a height of at least seven feet above grade.

H. Wetlands. No development that disturbs jurisdictional wetlands shall be permitted until the developer demonstrates full compliance with all state and federal wetlands protection requirements.

I. Yards. The yards created by required setbacks shall remain unenclosed, except as permitted by this performance standard.

1. Eaves, rain gutters, bay windows, and similar above-grade extensions may extend no more than three feet into a required yard.
2. Accessory buildings shall be permitted in required rear yards where a setback of five feet from all property lines is maintained. No accessory building shall be located in a required front or side yard. Front and side yards may be used for parking.
3. No space required to make up the required yards for any principal building shall be removed from the lot on which that building is sited by sale, lease, or other conveyance.

Division 2 - Performance Standards Applicable to Special Uses

J. Buffering and Screening.

1. All commercial developments and public buildings shall provide an effective buffer for adjoining residences, adjoining undeveloped parcels, and the river.
2. All high density residential developments shall provide an effective buffer for existing commercial or industrial uses or public buildings, adjoining residences, adjoining undeveloped parcels, and the river.

3. Existing vegetation shall be retained to serve required buffering or screening functions wherever possible.

4. All buffers shall be installed in compliance with the detailed performance standards for effective buffering found in Appendix D.

K. Connections. All developments shall be designed to maximize functional connections with adjoining developments, including shared access to arterial streets, shared parking and service access, shared buffers and open space areas, and shared pedestrian circulation.

L. Runoff and Erosion Control. A professionally prepared runoff and erosion control plan shall be implemented by all developments where a cumulative total of more than one acre of land with a slope of more than eight percent will be disturbed or where a cumulative total of more than 20,000 contiguous square feet of impervious cover will be created. That plan shall:

1. identify runoff and erosion hazard areas on the site;
2. identify areas and facilities, both on and downstream from the site, that are vulnerable to damage from accelerated runoff or erosion;
3. show how existing vegetation will be retained and land disturbance minimized (retention of existing vegetation in buffers is required by VI.J.3.);
4. show how existing trees that are to be retained will be protected from damage during construction;
5. show how the area disturbed by construction at any one time will be minimized, and how runoff will be diverted away from areas disturbed by construction;
6. show how disturbed areas will be stabilized during the construction period;
7. show how disturbed areas will be promptly, permanently stabilized by revegetation and/or structural techniques;
8. show how runoff velocities will be minimized and drainageways will be prepared to handle any acceleration or increase of runoff;
9. show how any additional runoff generated will be retained on-site and absorbed, evaporated, or released from the site at a rate not exceeding the pre-development rate of release;
10. show how sediment resulting from accelerated soil erosion will be retained on-site; and
11. show how water quality in adjoining or nearby streams and wetlands will be protected by retention of existing vegetation, installation of vegetative filter strips, or other means.

M. Hazardous Substances. Any use that is, or may reasonably be expected to be, subject to the reporting requirements of Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) shall demonstrate continuing compliance with state and federal requirements for the storage and handling of hazardous substances. No such use shall be located within the River Corridor Overlay Zoning District.

N. Land Use Compatibility. Special uses shall be designed for compatibility with neighboring uses, with compatibility being evaluated using the following factors:

1. lot coverage and extent of landscaping (including the effectiveness of the proposed buffers);
2. building bulk, height, and scale;
3. effect on scenic views from adjoining properties and public spaces; and
4. activity levels, as measured by traffic and noise generation, parking area requirements, the number and size of signs, and similar indicators.

O. Location of Parking Areas. Parking areas accessory to commercial uses and public buildings shall be located to the side or rear of the principal building so the predominant streetscape perception of the city will be one of building facades and landscaped areas, not asphalt and automobiles.

P. Pedestrian Circulation. All land use changes shall provide sidewalks on all street frontages.

Q. Snow Storage. All developments shall provide for on-site snow storage. Snow storage shall not be permitted to reduce the size of off-street parking or loading areas required by VI.E.

Division 3 - Performance Standards for Large Scale Development

R. Large Scale Development.

1. Large scale developments shall provide additional public facilities necessitated by their development. Such facilities shall be provided in compliance with all requirements of this ordinance and may include: off-site runoff and erosion control measures; central sewerage systems; such off-site road improvements as deceleration or acceleration lanes, left turn lanes, signs or signals, and bridges or culverts; solid waste transfer stations; emergency services buildings and apparatus, including fire engines and ambulances; and neighborhood parks (which may include space used for recreational trails) at a rate of two acres per thousand population.
2. The public facilities needs of any large scale development shall be determined through a fact-finding process conducted by the council, at the expense of the developer. The council may retain professional planners and/or engineers to conduct this study, the purpose of which shall be to determine what new facilities needs may be attributed to the proposed development.

The large scale development study process shall be conducted as follows:

a. the administrator shall determine whether a proposed development is a large scale development as defined by Chapter IX:V.;

b. the administrator shall not schedule a hearing on an application determined to be for a large scale development, but shall place initiation of a large scale development study on the agenda of the next regular council meeting; and

c. the council shall review the application at that meeting. If the council confirms the administrator's determination, a large scale development study shall be required.

d. Where a large scale development study is required, the developer shall place a deposit with the administrator in the amount required by the resolution establishing fees for the administration of this ordinance. The administrator shall retain appropriate professional assistance for the study, drawing against the deposit as necessary. Additional actual costs shall be billed to the developer, with such costs being paid before a hearing on the application is scheduled. Any unused funds shall be returned to the developer upon completion of the study.

e. An application shall be considered complete and a hearing conducted only after completion of the large scale development study.

Division 4 - Continuing Maintenance of Improvements
Required for Compliance with Performance Standards

S. Continuing Maintenance Required. The continuing maintenance of any improvement required for compliance with any performance standard of this ordinance shall be required. This provision applies to:

1. improvements required for the mitigation of potential nuisances;
2. off-street parking and loading areas;
3. improvements required for the on-site retention of storm or melt water runoff or for runoff or erosion control;
4. landscaped areas, including required buffers; and
5. any other improvement required for compliance with this ordinance.
6. The maintenance of landscaped areas includes irrigation, maintenance of the irrigation system, and weed and pest control.

T. Maintenance Mechanism. Any development subject to continuing maintenance requirements that results, or may reasonably be expected to result, in the creation of multiple ownerships shall create a community association or other mechanism to assure continuing maintenance. The developer shall submit the proposed declaration of covenants, articles

her application for a permit and shall provide evidence that these documents have been recorded before a certificate of occupancy is issued.

U. Failure to Maintain. Failure to maintain any required improvement shall be a violation of this ordinance.

CHAPTER VII - LOT SPLIT AND SUBDIVISION REGULATIONS

A. Plat or Record of Survey Required for All Land Divisions. A record of survey or plat shall be required for all land divisions, except as provided in III.C.1. Records of survey and plats shall meet all requirements of Title 50, Chapter 13 of the Idaho Code "Plats and Vacations" (I.C. 50-1301-1329), as amended, and all requirements of Appendix E.

C. Requirements for Lot Splits. Lot splits shall comply with the following requirements:

1. lot splits shall not be to evade the requirements of this ordinance for subdivisions;
2. any lot created shall be capable of accommodating a permitted or special use allowed by this ordinance;
3. any lot created shall have direct access to an existing public street;
4. any lot created shall have direct access to city water and sewer and all private utilities; and
5. lot splits shall comply with all applicable performance standards of this ordinance.

D. Subdivision Design.

1. Each lot created shall be capable of accommodating a permitted or special use allowed by this ordinance.
2. No subdivision shall foreclose significant planning options currently available to the city.
3. Subdivisions shall comply with all applicable performance standards of this ordinance.

F. Subdivision Improvements. The following improvements shall be provided in all subdivisions:

1. a connection to the city's potable water system for each lot, including any extension of mains required to serve the subdivision;
2. a connection to the city's sewage collection system for each lot, including any extension of mains required to serve the subdivision;

3. power and telephone connections for each lot, including any extension of lines or cables required to serve the subdivision, in compliance with the standards established by the utility involved;
4. roads, as specified in Appendix F;
5. sidewalks, as specified in Appendix F; and
6. any other improvement required for compliance with this ordinance.

G. Improvements Installed at Developer's Expense. All required improvements shall be installed at the developer's expense.

H. Standards for Required Improvements. All required improvements shall be installed in compliance with the performance standards of this ordinance and any design and engineering standards separately adopted by the city.

I. Time of Installation/Development Agreements.

1. Developers may install subdivision improvements before the final plat is approved and any lots are offered for lease or sale, leased, sold, or occupied.
2. Developers may also elect to file a final plat before all subdivision improvements are installed, but only where installation of the required improvements is guaranteed by a development agreement that:
 - a. identifies the location and nature of the subdivision to which it applies;
 - b. identifies all required subdivision improvements and establishes their estimated cost;
 - c. sets a schedule for the completion of the required subdivision improvements;
 - d. guarantees completion of all required subdivision improvements using one of the methods listed in VI.K.; and
 - e. provides a process by which the city may, if necessary, complete required subdivision improvements using the guarantee provided.

J. Guarantees. Completion of the improvements identified in a development agreement shall be guaranteed by one of the following methods:

1. The developer may place an amount equal to 110% of the estimated cost in escrow, with that amount and accumulated interest being released only after the city has inspected and accepted the required improvements. A development agreement may provide for the phased release of a portion of the escrowed funds as work proceeds, but at least 25% of the amount in escrow shall be retained until all required improvements are installed,

inspected, and accepted. If any required improvements are not completed as provided in the development agreement, the city shall use as much as necessary of the escrow account to complete those improvements, before returning any remaining balance to the developer.

2. The developer may provide an irrevocable letter of credit for an amount equal to 110% of the estimated cost. The letter of credit shall be released only after the city has inspected and accepted the required improvements. If any required improvements are not completed as provided in the development agreement, the city shall use as much as necessary of the credit available to complete those improvements.

3. Large subdivisions may be completed in phases, with a separate final plat for each phase, but only where the development agreement provides for the timely installation of essential improvements, sets a schedule for each phase, provides for financial assurance by one of the methods listed above for each phase, and specifies a process for re-negotiation of the agreement if the schedule is not met.

K. Inspection Fees. Fees for the inspection of required improvements shall be set by resolution of the council. Inspection fees shall be paid before any work on required improvements is begun.

L. Inspection and Acceptance of Improvements. Required improvements shall be inspected by the administrator before acceptance. The administrator may retain professional engineers to conduct inspections. Acceptance of required improvements shall be by action of the council, following submission of the developer's written request for acceptance and receipt of the administrator's report that all improvements have been inspected and are in compliance with this ordinance.

M. As-Built Drawings. Reproducible as-built drawings of all subdivision improvements shall be provided to the city at the developer's expense.

N. Warranty of Improvements. Subdivision improvements shall be warrantied by the developer for both materials and workmanship for one year after their acceptance. Such a warranty provision shall be included in all development agreements. Where all required subdivision improvements will be completed before a final plat is approved, a warranty agreement shall be submitted for approval with the final plat. Enforcement of the warranty shall be assured by:

1. retention of 10% of an escrow account established to comply with VI.J.1.;
2. a continuing letter of credit, as provided in VI.J.2., but for 10% of the cost of the required improvements; or
3. establishment of a new escrow account, in which an amount equal to 10% of the cost of all required improvements is deposited, and which shall be released only upon expiration of the warranty.

CHAPTER VIII - SIGN REGULATIONS

A. Permit Required. A building permit shall be required for the placement or installation of any sign, including replacements of existing signs, except as provided in VIII.B. The location, type, and size of proposed signs shall be included in the materials required for special use permit applications.

B. Exceptions to Permit Requirement. The signs listed here are not exempt from any requirement of this ordinance, except the requirement for a permit. No permit shall be required for:

1. residential nameplates;
2. real estate and construction signs;
3. political signs placed no more than 60 days before the election to which they relate and removed within 10 days after that election;
4. window signs; or
5. traffic control signs or public notices placed by the city or other public agencies.

C. Prohibited Signs. All signs not expressly permitted by this ordinance shall be prohibited.

D. Placement of Signs. No sign shall be placed:

1. in a public right-of-way, except traffic control or regulatory signs placed by public agencies;
2. on a tree, utility pole, or fence;
3. on a vehicle or trailer parked in a visible location for the primary purpose of displaying the sign; or
4. where it creates a traffic safety hazard by obstructing vision at an intersection or driveway or obscures traffic control signs.

E. Permitted Signs. Only the following signs shall be permitted:

1. traffic control signs or public notices placed by the city or other public agencies;
2. one nameplate of no more than four square feet for each dwelling;
3. one real estate sign, of no more than six square feet, for each lot or dwelling currently offered for sale, lease, or rent;
4. one political sign of no more than four square feet per dwelling or business, provided that sign is placed no more than 60 days before the election to which it relates and is removed within 10 days after that election;

5. one temporary sign of no more than four square feet announcing the short-term sale of used household goods (garage sales), provided that sign is placed no more than two days before the sale and removed within one day after the sale, that the sale advertised lasts no longer than three days, and that no more than two such sales are conducted at any dwelling within any one year period; and

6. home occupation signs permitted by Appendix B.

7. The following additional signs shall be permitted in the Highway Corridor Overlay Zoning District only:

a. one construction sign of no more than six square feet, provided that sign is placed at the beginning of construction activities and removed upon issuance of a certificate of occupancy;

b. on-site directional and traffic control signs that provide for safe access to the site and safe circulation in parking and loading areas;

c. window signs that occupy no more than 20% of any window; and

d. any combination of on-premises wall and/or ground signs that occupy an area equivalent to no more than 8% of the building's visible facade where the building has a single street frontage, and no more than 12% of the building's visible facade where it has two street frontages. No single sign shall be larger than 24 square feet per side.

e. Awnings may be used as on-premise signs, but only to display the name or logo of the owner or operator.

f. Buildings with canopies or arcades may use one suspended sign of no more than four square feet for each use or occupancy with access from the canopied area or arcade.

F. Illumination of Signs. Only nonilluminated signs shall be permitted, except in the Highway Corridor Overlay Zoning District, where indirectly illuminated signs shall be permitted. Spotlights or other fixtures used for the indirect illumination of a sign shall be placed in compliance with VI.D.2.

G. Area of Signs. The area of a sign shall be measured as the area of a straight line geometric figure defined by and including the extreme limits of the copy or message on the sign. Contrasting frames or borders shall be measured as part of the copy.

H. Maintenance of Signs. Signs and their supporting structures shall be maintained so as not to create health or safety hazards.

I. Abandoned Signs. Abandoned signs shall be removed within sixty days of the adoption of this ordinance or within 60 days of the abandonment of the use to which the sign is appurtenant. Abandonment shall not be a matter of the owner's intent, but shall be considered to occur whenever a use ceases operation for more than one year. Any sign that, due to lack of maintenance, is not structurally sound or no longer serves to inform and attract the public shall also be considered abandoned, and its removal required.

CHAPTER IX - DEFINITIONS

A. Definitional Rules. Terms include both singular and plural forms; i.e. building includes buildings, and except where otherwise indicated, terms also include derivatives; i.e. adjacent includes adjoining.

B. Accessory Buildings and Uses. Accessory buildings and uses are those customarily associated with and subordinate to a principal building or use.

C. Adjacent. As used in this ordinance, adjacent includes all parcels that directly border a lot and all parcels separated from the lot by only a public or private easement or right-of-way, including roads and irrigation canals.

D. Administrator. The zoning administrator, as established by II.B.

E. Agricultural Land. Land used for the production of crops and livestock or livestock products in or from the soil, or for accessory buildings, such as barns, silos, and machine sheds, necessary for the agricultural operation. Land used for dwellings is not agricultural land. Land used for commercial production of crops in greenhouses or other buildings or for the confinement of more than 200 head of livestock is industrial. Land used for the shipping, distribution, or processing of agricultural commodities is industrial.

F. Building. Any structure.

G. Building Bulk. Building bulk may be measured and compared in terms of floor area ratio (the total square footage of all floors as a percent of lot size) and/or total building volume.

H. Building Height. The vertical distance from mean natural grade to the highest point on a building. Building height excludes chimneys, vents, and antennae.

I. City. The City of Dover, Idaho.

J. Clear Vision Triangle. The area that provides the visibility required for safe access to streets. Clear vision triangles are determined as follows:

1. at street intersections: the clear vision triangle includes the area defined by extending a line between two points, one on each lot line paralleling the street, each of which is 45 feet from the lot corner at the intersection; and

2. at other points of access: the clear vision triangle includes the area defined by extending a line between two points, one on the lot line paralleling the street, and one on the outer edge of the driveway, each of which is 15 feet from the point where the driveway crosses the lot line.

K. Commercial. Includes all land uses in SLUC 4923 and 4924, 52-59, 61-69, 71-79, and 8221, except as follows:

1. SLUC 637, which shall be considered an industrial use category, or

2. any use in SLCU 639, 64, 66, 72-79, or 8221 that includes an outdoor or only partially enclosed work and/or materials handling and/or storage yard of more than 5,000 square feet. All such uses shall be considered industrial.

L. Compatibility. Land uses need not be identical to be compatible, but must be sited, designed, constructed, and used in such a way that the normal functions and operation of neighboring uses do not seriously conflict, and so that their appearance is harmonious.

M. Council. The elected governing board of the City of Dover.

N. Density. The number of dwelling units per gross acre. Gross acreage includes the entire development (roads, common open spaces, etc.). Density is not synonymous with lot size.

O. Development. Development is used as a generic term covering any and all activities regulated by this ordinance. The developer is, by definition, the owner of the parcel on which a development has been proposed, but owners may appoint a representative for any proceedings required by this ordinance.

P. Effective. An effective buffer complies with the performance standards of Appendix D.

Q. Emergency Planning and Community Right-To-Know Act of 1986. Abbreviated as EPCRA. Refers to 42 USC 1101-11050, as amended.

R. Hazardous Substances. Any material regulated by EPCRA (see IX.Q.)

S. Home Occupation. A commercial activity conducted in a dwelling or a building accessory to a dwelling. Home occupations, by definition, comply with the performance standards of Appendix B.

T. Industrial. Includes all land uses in SLUC 21-51, 637, and 82-89, plus any use defined as industrial by IX.K., except:

1. SLUC 4923 and 4924; and

2. SLUC 8221 (except where covered by IX.K.2.).

U. Interested Party. Any person may become an interested party for the purposes of this ordinance by requesting that the administrator place them on a mailing list for notifications regarding a particular permit application.

V. Large Scale Development. Any subdivision or land use change, or group of subdivisions or land use changes created from the same parcel, that includes more than 100 proposed dwelling units or that potentially generates more than 1,000 automobile trips per day at peak occupancy.

W. Local Planning Act. Also Local Planning Act of 1975. Refers to I.C. 67-6501 through I.C. 67-6537, and subsequent amendments.

X. Lot. For the purposes of this ordinance, lot is used as both as a generic term for a development site, and to refer to any parcel of land created and described by a record of survey or plat.

Y. Lot Coverage. Includes all impervious or largely impervious surfaces, including compacted gravel surfaces. In the absence of specific plans, it is presumed that a minimum of 6,000 square feet of lot coverage will be created for each detached dwelling unit proposed.

Z. Lot Split. Creation of any parcel of land of less than 20 acres for the purpose of sale, lease, rental, or development.

AA. Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is designed to be placed on a permanent foundation, permanently connected to all required utilities, and used as a permanent dwelling unit.

BB. Minor Utility Installations. Includes cable television, electric power, and telephone cables and transmission lines, and natural gas pipelines that serve the area through which they are routed. Also includes transformer boxes and other minor appurtenances to those transmission lines or pipelines. Other utility installations are industrial uses.

CC. Minimize. For the purposes of this ordinance, "to minimize" the number of access points means to show that no alternative site plan for a proposed development will result in a smaller number of access points.

DD. Non-Conforming. Term used to describe any use or building that was in existence on the effective date of this ordinance that does not comply with its requirements.

EE. Occupancy. The use of a building or lot. Occupancies are classified using the Standard Land Use Coding System (SLUC).

FF. Plat. The legal map of a subdivision.

GG. Principal Building. On residential lots, the dwelling.

HH. Public Buildings. Includes schools, libraries, and any building for the conduct of local, state, or federal government functions, except where such a building includes an outdoor or only partially enclosed work and/or materials handling and/or storage yard of more than 5,000 square feet. Such uses shall be considered industrial.

II. Replacement. Replacement of a sign includes the replacement of any sign component or a change in copy. Nonconforming signs have a right to the copy displayed on the effective date of this ordinance only.

JJ. Setback. The distance between the property line and the outer wall, at grade, of the principal building on the same lot.

1. The front setback is measured from the lot line paralleling a public street to the principal building. Corner lots have two front yards.

2. The rear setback is measured from the rear lot line to the principal building. The rear lot line is parallel, or more or less parallel, to the street. Corner lots have two rear yards, but may treat either as a side yard for the purposes of this ordinance.

3. The side setback is measured from the side lot line to the principal building.

KK. Sign. Any object or structure used to identify, advertise, or in any way attract or direct attention to any use, building, or person by any means, including, but not limited to, the use of lettering, words, pictures, and other graphic depictions or symbols. The following kinds of signs are defined for use in the administration of this ordinance. Any kind of sign not defined here is prohibited by VIII.C.

1. Awnings. Fabric shelters supported by a rigid framework attached to a building.

2. Construction Signs. Are ground or wall signs that identify a building under construction. They include no advertising or promotional copy, but may identify the building's planned use, owners or operators, designers, construction contractors, and financiers.

3. Directional Signs. On-site directional signs identify points of access, the direction of travel, and handicapped parking spaces, and to perform similar functions in off-street parking and loading areas. They include no advertising or promotional copy, but may include a logo.

4. Home Occupation Signs. See Appendix B.

5. Ground Signs. Freestanding signs that do not exceed six feet in height above grade.

6. Logo. A logo is a simple graphic symbol used to identify a use or product.

7. Nameplates. Wall signs that identify the occupants and address of a residence.

8. Real Estate Signs. Wall signs or ground signs which indicate that the property on which they are placed is for sale, lease, or rent.

9. Suspended Signs. Are attached to the ceiling of an arcade or canopy and hang over a sidewalk with a vertical clearance of at least eight feet.

10. Traffic Control Signs. standard regulatory signs, including stop and yield signs, speed limit signs, etc.

11. Wall Signs. Are either painted directly on the wall of a building or attached to the wall of a building, and parallel with the wall to which they are attached. Attached wall signs extend no more than one foot from the building to which they are attached. Wall signs do not extend above the roofline of the building to which they are attached.

12. Window Signs. Appear within the frame of a window and are affixed directly to that window. Window displays of merchandise are not signs, provided that no part of the display is affixed to the window.

LL. Single Family Dwelling. A detached building designed for occupancy by one family. Also includes, as required by I.C. 67-6530-6532, "any home in which eight or fewer unrelated mentally and/or physically handicapped persons reside; and which is supervised". Includes both conventional dwellings and manufactured homes that:

1. comply with the National Manufactured Home Construction and Safety Standards Act (40 USC 5401) or the Uniform Building Code;
2. have all hitches, wheels, chassis, and other running gear removed and are attached to a permanent foundation; and
3. are permanently connected to city utilities.
4. Recreational vehicle and travel trailers shall not be used as single family dwellings.

MM. Site Plan. A site plan illustrates all those details of a proposed development needed to demonstrate compliance with this ordinance, including the location of existing and proposed property lines, easements, buildings, parking areas, streets, sidewalks, buffers, and other features of the site.

NN. Standard Land Use Code. Abbreviated SLUC. The standard land use code is a method of classifying land uses adapted from the Standard Land Use Coding Manual, U.S. Department of Transportation, Federal Highway Administration, as reprinted in March 1977.

OO. Subdivision. Division of a parcel into more than two lots or parcels of less than 20 acres for the purpose of sale, lease, rental, or development.

PP. Variance. According to I.C. 67-6516, "A variance is a modification of the requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of structure or the placement of the structure upon lots, or the size of lots." Land use cannot, by definition, be varied.

QQ. Yard. The area between the lot lines and the principal structure created by the required setbacks.

AA. Land Disturbance. Any and all activity that alters the natural cover or topography. Normal agricultural and forestry practices are exempted, but this exemption does not include construction of agricultural or forestry buildings or processing of farm or timber products. It shall be assumed that the area of disturbance for any raw land subdivision is 10,000 square feet for each dwelling unit proposed, plus the area of all proposed roads. The administrator shall prepare an estimate of land disturbance for raw land subdivisions with other uses. This assumption would allow the following approximate densities of development at varying land disturbance limits:

disturbance limitation	acres per d.u.
1%	23.0
2%	11.5
5%	4.6
10%	2.3
20%	1.1
25%	0.9

MM. Open Space. Includes croplands and irrigated pastures, grazing lands, commercial forest lands, lands used for recreation without facilities ("for fee" hunting areas are one example), and any "common" lands dedicated to open space primarily for the enjoyment of subdivision lot owners. Open space may be included in individual lots, but only where the development plan clearly identifies the open space portion of each lot and prevents the development of that area. **There is no implication that open space is or should be public.** Open space areas may be crossed by roads or utility corridors, but the number and width of such crossings shall be minimized. Recreational trails may be located in open space areas.

APPENDIX A - MODEL HEARING NOTICES

1. Notice of Special Use Permit Application Hearing.

PUBLIC HEARING NOTICE

John and Jackie Doe of P.O. Box 1234, Spokane, WA 99017 have applied for a special use permit to establish a retail candle shop on Lot 3, Block 2 of the Pend Oreille Addition to the City of Dover. The address of the proposed shop would be 399 W. Highway 2. The site is presently used as a horse pasture.

The Dover City Council will conduct a public hearing on this proposal at 7:30 P.M. on Wednesday, February 11, 1991 at the Dover City Hall. A copy of the application materials is available for public review at the Dover City Hall during regular office hours. Public comment is encouraged.

2. Notice of Variance Hearing.

PUBLIC HEARING NOTICE

Mr. and Mrs. J. Doe of P.O. Box 9999, Dover, ID 83825 have applied for a variance of Section V.B.2. of the Dover Interim Development Ordinance. The proposed variance would permit extension of an addition to the residence at 1000 Loon Lane three (3) feet, eight (8) inches into the required side yard.

The Dover City Council will conduct a public hearing on this proposal at 8:00 P.M. on Wednesday, February 11, 1991 at the Dover City Hall. A copy of the application materials is available for public review at the Dover City Hall during regular office hours. Public comment is encouraged.

APPENDIX B - DETAILED PERFORMANCE STANDARDS FOR HOME
OCCUPATIONS

1. Purpose. These performance standards are designed to permit limited commercial activity associated with dwellings, while assuring that such activity does not diminish the residential character of the community. Approval of a home occupation does not change any specification or performance standard applicable to the dwelling to which it is accessory.

2. Maximum Floor Area. A home occupation may be located within a dwelling or an accessory building, but no home occupation shall occupy a floor area larger than that of the dwelling to which it is accessory.

3. Nonresident Employees. No home occupation shall have more than two employees who are not members of the resident family.

4. Off-Street Parking. Home occupations shall provide off-street parking for all employees and any vehicles associated with the home occupation in compliance with the requirements of Appendix C.

5. Outdoor Storage. The storage of any materials or solid waste associated with a home occupation shall be:

- a. within an enclosed structure, or
- b. within an area that is effectively screened from public view.

6. Signs. Home occupations shall display only the following signs:

- a. one nonilluminated wall sign of no more than six square feet, and
- b. one nonilluminated on-site directional sign of no more than four square feet.

APPENDIX C - DETAILED PERFORMANCE STANDARDS
FOR OFF-STREET PARKING AND LOADING

1. **Purpose.** These performance standards are intended to prevent traffic congestion on public streets by requiring provision of adequate off-street parking and loading areas.

2. **Off-Street Parking Required.** All buildings and uses shall provide the minimum number of off-street parking spaces required by Table C.1. Off-street parking requirements for different uses housed in the same building (a retail outlet in a manufacturing plant, for example) shall be calculated separately

3. **Off-Street Parking Requirements for Uses Not Listed.** The classification of uses and the off-street parking requirements for uses not listed in Table C.1. shall be determined by the administrator. Any person who disputes a decision of the administrator may request a review of that decision using the appeals procedure of III.J.

4. **Location of Off-Street Parking.**

a. Off-street parking spaces shall be provided on the same lot and under the same ownership or control as the building or use they serve, except;

b. two or more buildings or uses may share an off-street parking area where the total number of spaces provided is not less than the sum of spaces required for all buildings or uses served. Where buildings or uses sharing a parking area are not in the same ownership or control, a contract providing for shared parking for a period of 10 or more years shall be executed before approval of a permit and recorded before issuance of a certificate of occupancy.

c. Required off-street parking spaces shall be within 600 feet of a main entrance of the building or use being served, except that spaces serving a dwelling shall be within 100 feet of the dwelling unit served.

5. **Passenger Loading Areas.** Where located on an arterial street, day care centers, pre-schools, public schools, and places for public assembly shall provide at least one off-street passenger loading area. The minimum standards for passenger loading areas shall be:

a. such areas shall be located where there is adequate visibility for their safe use;

b. off-street passenger loading areas shall be divided from the street by a curbed barrier at least four feet in width, be at least 60 feet in length and 12 feet in width; accommodate one way traffic only; include a depressed curb section for handicapped access; and be marked by signs facing both traffic lanes.

TABLE C.1 -- MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

use	spaces required per 1000 square feet gross floor area
<u>residential uses</u>	
boarding houses, dormitories (SLUC 12 and 13)	1 per bed
dwellings (SLUC 11 and 14)	2 per unit
<u>retail uses</u>	
apparel and accessories (SLUC 56)	3
automotive, marine craft, aircraft, and accessories	
SLUC 551 and 559 (sales, no service)	1
SLUC 552 and 553 (sales and service)	5
building materials, hardware, farm equipment (SLUC 52)	1
eating and drinking places (SLUC 58)	15
furniture, home furnishings, and equipment (SLUC 57)	1
general merchandise (SLUC 53)	4
groceries, other food stores (SLUC 54)	4
other retail trade (SLUC 59)	3
shopping centers under 200,000 square feet	4
shopping centers over 200,000 square feet	5
<u>service uses</u>	
finance, insurance, real estate services (SLUC 61)	3
personal services	
beauty and barber services (SLUC 623)	6
all others (SLUC 62, except 623)	3
business services (SLUC 63, except 637)	3
health services (SLUC 51)	
physicians, dentists, and	
out-patient clinics (SLUC 6511, 6512, 6517)	5
hospitals (SLUC 6513)	2 per bed
rest homes, etc. (SLUC 6516)	2 per bed
professional services (SLUC 65, except 651)	3
miscellaneous services, (SLUC 69, also SLUC 4923-24)	3
office parks - mixed uses	3

Table C.1., continued

per 1000 floor area	use	spaces required square feet gross
<u>entertainment uses</u>		
	theaters and other places of assembly (including, but not limited to SLUC 72)	.3 per seat
	bowling alleys, arcades, and similar amusements; also health clubs and spas (indoor uses in SLUC 73 and 74)	5

The following uses have the listed parking requirement, plus one space for each employee anticipated when operating at capacity.

lodging places (SLUC 15)	1 per room
manufacturing and wholesaling (SLUC 2, 3, and 51)	2
transportation, communications, and utilities (SLUC 4, except SLUC 4923 and 4924)	2
contract construction services (SLUC 66)	2
day care centers and pre-schools (SLUC 6811)	1
elementary and junior high schools (SLUC 6812)	1 per classroom

Notes: 1. These requirements do not include parking for company vehicles. One space shall be added for each such vehicle anticipated. 2. The off-street parking requirement for housing developments occupied by the elderly shall be reduced to one space for each dwelling unit. 3. Where a place of assembly does not have fixed seating, one space shall be provided for each 25 square feet of assembly area.

6. Off-Street Loading Areas. Commercial buildings and uses shall provide one off-street loading area for each 10,000 square feet of gross floor area.

a. Off-street loading areas shall be on the same lot and under the same ownership and control as the building or use they serve.

b. Off-street loading areas shall be designed to accommodate the largest vehicle reasonably be anticipated to be used on the site, and shall have the following minimum dimensions:

- i. vertical clearance: 14 feet;
- ii. width: 12 feet; and

iii. depth (length): 35 feet.

c. Off-street loading areas shall be designed so that no vehicle parked in the loading area shall extend into a public right-of-way.

7. Access to Off-Street Parking and Loading Areas. Access driveways shall be provided for safe access to all off-street parking and loading areas.

a. No parking area, except those serving single family dwellings, shall be designed or constructed to create a situation in which vehicles are required to back onto a public street.

b. Parking and loading areas shall be sited and designed to minimize the number of access points to arterial streets.

c. No access driveway to a local street shall be within 20 feet of any intersection or alley or 10 feet of another access point.

d. No access driveway to an arterial street shall be within 40 feet of its intersection with a local street or 60 feet of its intersection with another arterial.

e. The distance from an access driveway to an intersection is measured from the junction of the corner lot lines at the intersection, to the nearest side of the driveway.

f. Clear vision triangles shall be provided for all access driveways, as required by VI.H.

g. Access driveways for single family dwellings shall be a minimum of 10 feet wide, with a curb radius of five feet. Access driveways for other uses shall be designed to accommodate the reasonably anticipated level of use.

h. Where required for drainage, access driveways shall be constructed over a minimum 12 inch culvert capable of supporting a load of 40,000 pounds.

8. Circulation Within Off-Street Parking Areas. The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.

a. Minimum aisle widths shall be:

i. for two-way circulation and/or 90 degree parking: 24 feet;

ii. for one-way circulation and 60 degree angle parking: 18 feet;

iii. for one-way circulation and 45 degree angle parking: 15 feet;

iv. for one-way circulation and 30 degree angle parking: 13 feet.

b. Where one-way circulation is used, directional signs shall be installed at all access points to the parking area.

c. No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.

9. Protecting Pedestrians in Off-Street Parking and Loading Areas. There shall be safe pedestrian access around or through all parking and loading areas.

10. Off-Street Parking and Loading Area Surface. All off-street parking and loading areas, except those serving individual single family dwellings, shall be constructed with an all-weather paved surface.

APPENDIX D - DETAILED PERFORMANCE STANDARDS FOR BUFFERING

1. Purpose. Landscaping requirements are an essential element in mitigating potential land use conflicts and enhancing the visual appeal of the city. The purpose of this appendix is to assure that the landscaped buffers required by this ordinance effectively accomplish these goals.

2. Minimum Buffer Requirements. The width of required buffers shall vary with the nature of the uses being separated, the height of the buildings being separated, and the construction of the buffer. Table D.1. shows the width required where the buffer consists of a level or gently sloping area of sod or ground cover and four major trees per hundred lineal feet of buffer. Table D.1. also shows where a security fence and/or a solid fence, wall, or berm is required as part of a buffer.

3. Buffer Width Reduction: Berms. The width requirements of Table D.1. may be reduced where a berm is included in the buffer. The width reduction shall be twice the height of the berm, with a maximum permitted reduction of 10 feet.

4. Buffer Width Reduction: Additional Plantings. The width requirements of Table D.1. may be reduced where a greater density and diversity of plantings is included in the buffer. The buffer width reductions permitted this section are cumulative and may result in a total reduction of up to 30%. Buffer width reductions permitted by D.3. are cumulative with those permitted here.

a. Major trees: the required buffer width shall be reduced by 10% where five or more major trees per hundred lineal feet are planted.

b. Understory trees: the required buffer width shall be reduced by 10% where five or more understory trees per hundred lineal feet are planted.

c. Shrubs: the required buffer width shall be reduced by 10% where 20 or more shrubs per hundred lineal feet are planted.

5. Buffer Crossings/Inclusions. Buffers may be crossed by access driveways, utility lines, and/or sidewalks. A sidewalk may run along the length of a buffer, with its width, up to a maximum of five feet, being included in the required buffer width. Buffers may also include permitted signs.

6. Plant Materials Specifications. Plant materials installed in required buffers shall meet the following minimum specifications:

a. all trees, major and understory, shall be containerized or bagged and burlapped stock in good condition with a dbh (diameter at breast height) of at least one inch; and

b. all shrubs shall be minimum two gallon containerized stock in good condition.

c. All plant materials shall be warrantied for one year by the provider.

7. **Maintenance.** Perpetual maintenance of required buffers is required by VI.S.

TABLE D.1. REQUIRED BUFFERS

use providing the buffer	use being buffered	required buffer width in feet			security fence required?	headlight buffer required?
		basic buffer	buffer height adjustment factor	for parking area		
commercial/public	residential/vacant	20	1:1	no	no	
	the river	40	none	no	no	
outdoor materials handling and storage areas; solid waste handling and storage						
under 10,000 SF	residential/vacant	20	none	yes	yes	
	any public way	12	none	no	yes	
	the river	20	none	no	no	
over 10,000 SF	residential/vacant	40	none	yes	yes	
	any public way	12	none	no	no	
	the river	40	none	no	no	
parking areas with more than four spaces	residential/vacant	12	none	no	yes	
	any public way	12	none	no	yes	
high density residential uses	residential	12	.80:1	no	no	
	the river	20	none	no	no	

NOTES: The basic buffer width is required in all cases, except where a width reduction is permitted by D.3. or D.4. The height adjustment factor is a ratio stating how many additional feet of buffer width must be added for each one foot of building height, after the first 10 feet. A security fence is at least six feet in height and designed to prevent unauthorized entry to the site. A headlight buffer is a solid fence or wall, dense hedge or berm of at least four feet in height placed or planted to block headlight glare originating in parking areas or other areas of frequent vehicle movement.

APPENDIX E - DETAILED PERFORMANCE STANDARDS FOR
THE PLATTING OF LOT SPLITS AND SUBDIVISIONS

1. Purpose. This appendix establishes technical standards for the form and content of subdivision plats. The requirements it imposes are in addition to those of state law.

Division 1 - Preliminary Plats

2. Preliminary Plat Part of Application. A preliminary plat is one part of an application for a special use permit to subdivide and shall be accompanied by the official application form and other materials required for a complete application.

3. Preliminary Plats to Be Comprehensive. Preliminary plats shall cover the entire area to be developed by one owner or a group of related owners, even when it is anticipated that development will be phased or occur in the form of multiple subdivisions over several years. An application for a special use permit to subdivide may be rejected because it covers insufficient area.

4. Contents of Preliminary Plats. Preliminary plats shall include:

a. a title block showing the name of the proposed subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state;

b. the name, address, and registration number of the engineer or land surveyor who prepared the preliminary plat;

c. a north point and graphic and written scales;

d. a vicinity map that locates the proposed subdivision within the city and:

i. shows major roads and watercourses adjacent to or near the proposed subdivision; and

ii. shows the boundaries of and identifies all adjacent or nearby subdivisions by their recorded name.

e. the location, nature, and boundaries of all existing public ways and public or private easements in or adjacent to the proposed subdivision, including the county book and page number references to the instruments establishing those ways or easements;

f. the location and size of all existing utility lines in or adjacent to the proposed subdivision;

g. the exterior boundaries of the proposed subdivision;

h. the location, exterior dimensions, and number of proposed lots and blocks, or other parcels created by the subdivision;

i. the acreage of each proposed lot, and a table showing the total acreage of the area proposed for subdivision, the total acreage in lots, the total acreage in streets, and the total acreage of parcels proposed for dedication to public use or to be held in common by the lot owners;

j. the names of all proposed streets and widths and boundaries of all proposed street rights-of-way and utility easements;

k. the location of all irrigation structures, watercourses and wetlands within or adjacent to the proposed subdivision; and

l. the location of floodplain and floodway boundaries, as established by the Federal Emergency Management Agency.

5. Scale and Dimensions. Preliminary plats shall be prepared at a scale of one inch equals one hundred feet, with all dimensions shown shall in feet and decimals thereof. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and a sheet index map, which may be combined with the vicinity map. The vicinity and index maps shall appear on the first (Sheet 1) of the serially numbered sheets.

Division 2 - Final Plats

6. Contents of Final Plats. All final plats submitted shall be prepared in compliance with Chapter 13, Title 50 of the Idaho Code, as amended, and shall include all information listed below:

a. a title block showing the name of the subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state;

b. the name, address, and registration number or seal of the engineer or land surveyor who prepared the plat and that person's certification that the plat is accurate, and that the monuments described in it have been located and/or established as described;

c. a north point and graphic and written scales;

d. a vicinity map that locates the subdivision within the city and:

i. shows major roads and watercourses adjacent to or near the subdivision; and

ii. shows the boundaries of and identifies all adjacent or nearby subdivisions by their recorded name.

e. the point of beginning for the subdivision survey, which shall be a section or quarter section corner;

f. the location and a description of all existing monuments found during the course of the survey;

- g. the location, nature, and boundaries, with bearings and distances, of all existing public ways and public or private easements in or adjacent to the subdivision, including the county book and page number references of the instruments establishing those ways or easements;
- h. the exterior boundaries of the subdivision, with all bearings and distances, including curve data for curving boundaries;
- i. the location, exterior dimensions, and number of all lots and blocks, or other parcels created by the subdivision, including bearings and distances and curve data for curving boundaries;
- j. the location and a description of all monuments established during the course of the survey;
- k. the acreage of each lot, and a table showing the total acreage of the subdivided area, the total acreage in lots, the total acreage in streets, and the total acreage of any parcels dedicated to public use or held in common by the lot owners;
- l. the names of all streets and widths and boundaries of all street rights-of-way and utility easements, including bearings and distances and curve data for curving boundaries;
- m. a signed and dated owner's certificate that includes a complete legal description of the parcel being subdivided, and in which the owners of record dedicate all public ways and other public spaces to public use;
- n. a public notary's acknowledgment of the owner's certificate;
- o. a signed and dated certificate of consent in which all mortgagors, lienholders, and other parties with any real property interest in the property consent to its subdivision;
- p. a public notary's acknowledgment of the certificate of consent;
- q. a certificate for plat approval by the council;
- r. a statement of "sanitary restriction", as required by I.C. 50-1326;
- s. a certificate for use by the County Recorder in recording the plat after its approval; and
- t. any other information required for compliance with this ordinance.

7. Scale and Dimensions. Final plats shall be prepared at the scale of one inch equals one hundred feet and all dimensions shown shall be in feet and decimals thereof. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and a sheet index map, which may be combined with the vicinity map. All required certificates and the vicinity and index maps shall appear on the first (Sheet 1) of the serially numbered sheets.

8. **Copy.** The developer shall also provide the city with one reproducible copy of the final plat suitable for photographic reproduction and reduction.

APPENDIX F - DETAILED PERFORMANCE STANDARDS FOR
THE DESIGN AND CONSTRUCTION OF STREETS

1. **Purpose.** The purpose of this appendix is to provide standards for the construction or re-construction of streets. These standards are for streets in low to medium density residential and light commercial areas. A large scale development study (see VI.R.) will be required for any development that generates sufficient traffic to necessitate additional construction requirements.

2. **Street Classification.** U.S. Highway 2 is an arterial.

Division 1 - Street Design

3. **Right-of-Way Width.** A 60 foot right-of-way shall be dedicated for all streets. This requirement may be altered as the result of a large scale development study, as provided in VI.R.

4. **Street Construction.** All streets shall be paved and properly drained, as directed by the city engineer.

5. **Paved Width.** The final paved width of all streets shall be 42 feet. This requirement may be altered as the result of a large scale development study, as provided in VI.R.

6. **Minimum Sight Distance.** A minimum sight distance of 200 feet shall be provided along all streets. This requirement may be altered as the result of a large scale development study as provided in VI.R.

7. **Maximum Grade.** The maximum grade of any street shall be eight percent, except at intersections, as provided by F..

8. **Cul-De-Sacs.** The maximum cul-de-sac length shall be 330 feet and the minimum cul-de-sac radius shall be 60 feet.

9. **Dead-End Streets.** Dead-end streets shall be prohibited, except where temporarily permitted by a subdivision phasing plan or where required for compliance with VI.K. A temporary cul-de-sac shall be provided wherever a dead-end street serves four or more lots.

10. **Minimum Centerline Radius of Curves.** The minimum centerline radius of curves shall be 250 feet.

11. **Minimum Tangent Between Reverse Curves.** The minimum tangent between reverse curves shall be 50 feet.

Division 2 - Intersection Design

12. **Approach Speed.** The design approach speed for all intersections shall be 25 miles per hour. This requirement may be altered as the result of a large scale development study, as provided in VI.R.

13. **Clear Sight Distance.** A minimum clear sight distance of 90 feet shall be maintained along each approach leg at all intersections.

14. **Grade at Intersection.** The maximum grade at, and within 50 feet along both approaches to, any intersection shall be two percent.

15. Alignment of Intersection. All intersections shall be at a 90 degree angle, with both approaches running at 90 degrees for at least 50 feet before the intersection.

16. Curb Radius. Curb radius at all intersections shall be 20 feet, except at intersections with arterials, where it shall be 25 feet.

17. Minimum Centerline Offset of Intersections. The minimum centerline offset of intersections shall be 125 feet, except for intersections with arterials, where it shall be 200 feet.

18. Signs. The developer shall install stop signs at all intersections with arterial streets. The developer shall also install all other signs required for safe traffic and pedestrian movement in the subdivision.

Division 3 - Additional Standards

19. Culverts and Bridges. All culverts and bridges shall be designed by an engineer. Bridges and culverts may be subject to the requirements of Appendix B.

a. Use of bridges rather than culverts shall be required wherever the Idaho Fish and Game Commission requests the use of bridges to protect fisheries.

b. All bridges and culverts on natural watercourses shall be designed to pass a 100 year flood without damage to the bridge or its approaches and without diverting floodwaters onto neighboring properties.

c. Culverts not included in D.19.b. shall be designed to pass the runoff from the 10 year, 6 hour storm.

d. The minimum gross vehicle load supported by any bridge or culvert shall be 40,000 pounds. A higher load-bearing capacity may be required by a large scale development study, as provided in VI.R.

e. There shall be a minimum 50 foot, 90 degree approach to all bridges.

20. Sidewalks Required. A sidewalk shall be installed along all streets. Sidewalks shall be located one foot from and parallel to the outer edge of the street right-of-way. Sidewalks shall be at least four feet wide and consist of:

a. sub-base: minimum of four inches of crushed coarse aggregate;
and

b. base: minimum of four inches of portland cement sidewalk.