

ORDINANCE NO. 38

AN ORDINANCE OF THE CITY OF DOVER, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, SETTING FORTH ITS AUTHORITY; AMENDING SECTION V.B.3.c. TO ALLOW FOR CERTAIN PUBLIC, COMMERCIAL, AND INDUSTRIAL USES BY SPECIAL USE PERMIT WITHIN THE HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT AND IN ADJACENT RESIDENTIAL ZONES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of Dover held a public hearing on September 26, 1996, and concluded, based on the record before it, that it was in the public interest to provide for additional uses within and adjacent to the Highway Corridor Overlay Zoning District.

NOW, THEREFORE, be it ordained by the Mayor and City Council of the City of Dover, Idaho, as follows:

SECTION 1: AUTHORITY

This ordinance is adopted pursuant to the authority granted by the Local Planning Act, Title 67, Chapter 65, Idaho Code.

SECTION 2: THAT, Section V.B.3.c. be, and the same hereby is amended to read as follows:

c. Public, commercial and industrial uses as defined in Chapter IX of City of Dover Zoning Ordinance, shall be permitted in the Highway Corridor Overlay Zoning District and in adjacent residential zones if the project is part of a project in the Highway Corridor Overlay Zoning District, upon a showing that the project is in the public interest, that there will not be significant negative affects on neighboring uses and that the following effects of the project do not exist or will be mitigated:

Traffic: Any increases in traffic may not unduly burden the street system within the city or create dangerous turning movements.

Buffering: Buffering must be placed between the proposed use and any residential public, or other use likely to be negatively affected by the proposed use.

Drainage: The proposed use must dispose of stormwater on site or control runoff to the degree that runoff from the site will not unduly burden the city's stormwater system.

Utilities: The use will not unduly burden public utilities serving the city.

Noise: Noise from the use will not exceed 75 dB from the hours of 7:00 AM to 7:00 PM and 60 dB during other hours, measured at the property line.

Lighting: Lighting shall be screened or directed away from any residential use and shall be placed so that it will not negatively impact any other adjacent uses.

Esthetics: Structures shall be attractive and not out of scale or character with neighboring structures or the community in general.

Conditions: Conditions may be placed on any permit granted to ensure that the foregoing elements are mitigated.

SECTION 3: Section IX T., City of Dover Zoning Ordinance, is hereby amended to include the following exception:
3. SLUC 2832.

SECTION 4: SEVERABILITY

The provisions of this ordinance are hereby declared to be individually severable. Should any provision of this

ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining provisions.

SECTION 5: EFFECTIVE DATE

This ordinance shall be in full force and effect upon its passage and publication in one (1) issue of the Bonner County Daily Bee newspaper.

Passed and approved as an Ordinance of the City of Dover, Idaho, on the 26th day of September, 1996, upon a roll call vote.

Paul Randy Curless
Paul Randy Curless, Mayor

Karen Ames, Clerk
Attest: Karen Ames, Clerk