

ORDINANCE 117

CITY OF DOVER ZONING ORDINANCE

AN ORDINANCE FOR THE CITY OF DOVER, BONNER COUNTY, IDAHO, ESTABLISHING ZONING REGULATIONS; PROVIDING DEFINITIONS, ADOPTING A ZONING MAP, PROVIDING RULES FOR INTERPRETATION; ESTABLISHING ZONING DISTRICTS AND DESIGN AND DEVELOPMENT STANDARDS RELATING THERETO; PROVIDING REGULATIONS FOR NONCONFORMING USE; PROVIDING ADMINISTRATIVE PROCEDURES; PROVIDING SPECIAL USE PERMIT PROCEDURES AND STANDARDS; PROVIDING VARIANCE PROCEDURES; PROVIDING PROCEDURES FOR AMENDMENTS TO THE REGULATIONS AND ZONING MAP; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE, INCLUDING A MISDEMEANOR PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS OR IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR BOTH; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DOVER, BONNER COUNTY, IDAHO:

SECTION 1 That the city council hereby adopts the following which shall be referred to as the "City of Dover Zoning Ordinance":

ARTICLE 1 AUTHORITY AND APPLICABILITY

This ordinance is enacted pursuant to the authority granted by chapter 65, title 67, Idaho Code (Local Land Use Planning Act); chapter 13, title 50, Idaho Code (Plats and Vacations; and Article 12, Section 2 of the Idaho Constitution as currently comprised or as subsequently amended. Provisions of this ordinance shall apply, to the extent permitted by law, to all property in the incorporated boundaries of the City of Dover.

ARTICLE 2 GENERAL RULES

2.1 INTERPRETATION OF TERMS OR WORDS The rules and definitions contained in this ordinance shall be observed and applied, except when the context clearly indicates otherwise.

- A. Words used in the present tense shall include the future and words used in the singular number shall include the plural number and the plural the singular;
- B. The word "shall" is mandatory and not discretionary;
- C. The word "may" is permissive; and
- D. The word "lot" shall include the word "piece" and "parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings and the phrase "used for" shall include the phrases "arranged for", "designed for", "maintained for", and "occupied for".

2.2 DEFINITIONS

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

Administrator: The planning and zoning administrator

Daycare Center: A place, home, building, or location providing care, with or without instruction, for more than six (6) children not residing on the same premises.

Daycare, Home: A home providing care, with or without instruction, for six (6) or less children not residing on the same premises.

Dwelling Unit: One or more rooms designated for, or used as a residence for, not more than one family, including all necessary household employees of such family, and constituting a separate and independent housekeeping unit, with a single kitchen permanently installed. The term does not imply or include such type of occupation as a lodging or boarding house, club, hotel or group home.

Family: Two or more people living together in a single domicile for an extended period of time.

Group Home: A place, home, building, or location providing care for six (6) or more unrelated children as a member of the household for the purpose of providing substitute parental care.

Guest House: An accessory building, with limited kitchen (wet bar) facilities and no laundry facilities, located on the same lot or parcel as the main residence for the use by temporary guests or family members of the occupants of the main residence provided it is not rented or otherwise used as a separate dwelling.

Home Occupation: A business activity conducted as an accessory use by an immediate member of the residing family and complying with Article 7 sub Section 7.4 of this ordinance.

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

Residential Lodging: A single-family residence, occupied year round, which provides sleeping rooms for the lodging of transient guests for a fee, and which includes the serving of or facilities for the preparation of meals for overnight guests.

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

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:

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**
5. **Ground Signs:** Freestanding signs not exceeding six feet in height above grade.
6. **Logo:** A logo is a 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 roof line 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.

Structure: An object constructed or erected which requires location on the ground or is attached to something having a location on the ground, including towers, smokestacks, overhead transmission lines, but not including fences or walls used for fences less than six feet (6') in height when measured from pre-development elevations.

Use, Permitted: An activity or use so designated in any given zone, and which may occur without special action by the city council, subject to the provisions of the zone in which it is located.

Use, Special: A use listed among those designated in any given zone but which may be permitted to locate only after review by the planning and zoning commission and the city council and the granting of a "special use" permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities and facilities.

Variance: A modification of the requirements of this ordinance as to the lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, height of buildings, or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots.

Yard: An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

Yard, Front: A yard extending along the full length of the front lot line between the side lot lines.

Yard, Rear: A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Side: A yard extending from the front yard to the rear yard.

Zoning Permit: A special use permit, variance and/or building permit as applicable.

ARTICLE 3 ZONING MAP

3.1 OFFICIAL ZONING DISTRICT MAP

- A. The city is hereby divided into zones, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.
- B. If, in accordance with the provisions of this ordinance, changes are made in zone boundaries or other matter portrayed on the official zoning district map, such changes shall be entered on the official zoning district map promptly after the amendment has been approved by the council.
- C. No changes of any nature shall be made in the official zoning district map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized changes of whatever kind by any person or persons shall be considered a violation of this ordinance.
- D. Regardless of the existence of purported copies of the official zoning district map which may from time to time be made or published, the official zoning district map which shall be located in the office of the city clerk shall be the final authority as to the current zoning status of land and water area, buildings and other structures in the city.

3.2 RULES FOR INTERPRETATION OF ZONE BOUNDARIES

When uncertainty exists as to the boundaries of a zone as shown on the official zoning district map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines and legally established meander lines, which may be referenced as ordinary high water marks (OHWM). In the event of change in the shoreline, it shall be construed as moving with the actual shoreline; boundaries indicated as approximately following centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
- F. Boundaries indicated as following section or township lines shall be construed as following such section or township lines;
- G. Boundaries indicated as parallel to extensions of features indicated in subsections A through F of this section, shall be so construed. Distances that are not specifically indicated on the official zoning district map shall be determined by the scale of the map;
- H. When physical or cultural features existing on the ground are at variance with those shown on the official zoning district map, or in the other circumstances not covered in subsections A through G of this section, the council shall interpret the district or zone boundaries;
- I. Where a zone boundary line divides a lot that was in single ownership at the time of passage hereof, the council may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty feet (50') beyond the district or zone into the remaining portion of the lot.

3.3 AMENDMENT TO ZONING MAP

An amendment to change the zoning map may be initiated by the planning and zoning commission, council or any owner or contract buyer of property in the city of Dover. The owner or contract buyer may file a petition in writing and shall file an application for such change to the zoning map with the administrator as specified herein. Application fees, advertisement and notice costs shall be paid by the applicant.

ARTICLE 4 APPLICATION OF ZONE REGULATIONS

The following regulations set by this ordinance within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land use:

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the zone in which it is located;
- B. No yard or lot existing at the time of the passage hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date hereof shall meet at least the minimum requirements.
- C. Any use not explicitly permitted in a zoning district as identified in the Schedule of District Regulations is prohibited.

ARTICLE 5 NEW AND UNLISTED USES; PROCEDURE FOR DETERMINATION

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the city of Dover. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- A. The question concerning any new or unlisted use shall be accompanied by a statement of facts listing the nature of the use, including, but not limited to, whether it involves dwelling activity, sales, processing, type of project, storage, enclosed or open storage, anticipated employment and the amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
- B. The council shall consider the nature and describe the performance of the proposed use and its compatibility with the uses permitted in the various districts and determines the type of zone, if any, within which such use may be permitted.

ARTICLE 6 NONCONFORMING USE

6.1 CONTINUED USE. Within the district or zone established by this ordinance or amendments that may later be adopted there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendment, it is the purpose of this article to permit these nonconformities to continue until they are removed.

6.2 EXPANSION OF NONCONFORMITY. It is further the purpose of this ordinance that a nonconforming structure or land use shall not be enlarged upon, expanded or extended, and not be used as grounds for adding other structures or uses prohibited elsewhere in the same zone or district.

6.3 UNDUE HARDSHIP. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption of this ordinance or any amendments thereto and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in its permanent location, or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that work shall be carried on diligently.

6.4 REPAIRS AND MAINTENANCE:

- A. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs such as walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.
- B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reasons of physical condition, it shall not be thereafter restored, repaired, or rebuilt except in conformity with the regulations of the zone or district in which it is located. 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 initiated within 12 months of the building's destruction.

ARTICLE 7 ZONING DISTRICTS

7.1 ZONING DISTRICTS: All land within the city boundaries shall be divided into "Districts" as set forth below:

- A. **RESIDENTIAL ZONE:** The Residential (R) zone land use classification is for a district suitable for relatively higher densities with minimum parcel sizes of 12,000 square feet for single-family and small multi-family units.

B. SUBURBAN ZONE: The Suburban Zone (S) land use classification is for a district suitable for lower densities with minimum parcel sizes of 1 acre for single-family, small multi-family units, small apartment buildings, condominiums and other structures providing for a number of households and families.

C. RURAL RESIDENTIAL ZONE: The Rural Residential (RR) zone land use classification is for a district suitable for relatively low densities with minimum parcel sizes of 3 acres for single-family and small multi-family units.

D. AGRICULTURE ZONE: The Agriculture (A) zone is a land use classification for a district suitable for low densities with minimum parcel sizes of 6 acres for single-family and small multi-family units.

E. COMMERCIAL ZONE: The Commercial (C) zone is a land use classification for a district suitable for activities directly serving the public, including but not limited to retail sales, service shops, restaurants, bars and entertainment centers. The Commercial zone is also a land use classification for a district suitable for limited production or manufacture of products, processing, fabrication, assemblage, freight handling, or similar operations of a non-nuisance character that generally don't provide services directly to the public. The purpose of the zone is to encourage the business development that is clean, quiet, and free of noise, odor, dust and smoke.

F. RIVER CORRIDOR OVERLAY ZONE: The River Corridor (RC) zone land use classification is a district intended to assure appropriate additional development review and consideration occurs within areas prone to flooding and wetland. The RC zone shall consist of all land within 300 feet of the Pend Oreille River, all land included in the 100 year floodplain mapped by the Federal Emergency Management Agency, and all jurisdictional wetlands otherwise within the river corridor or adjacent to it.

G. HIGHWAY CORRIDOR OVERLAY ZONE: The Highway Corridor (HC) zone land use classification is a district intended to assure appropriate additional review and consideration occurs of development impacting and/or in the vicinity of US Highway 2. The HC zone shall consist of all land within 220 feet of the right-of-way of U.S. Highway 2.

H. HILLSIDE OVERLAY ZONE: The Hillside (H) zone land use classification is a district intended to assure appropriate additional review and consideration occurs of development locating on slopes. The H zone shall consist of all land with an average slope of 8% or more

7.2 RESTRICTIONS: No building or premises shall be used, nor shall any building or structure hereafter be erected or altered, unless otherwise provided in this ordinance, except for uses or special uses in accordance with the standards set out in the applicable Schedule of District Regulations and Development Standards attached hereto and incorporated herein as part of the Ordinance as if set forth fully herein.

Exception: All principal structures located on streets having less than a required right of way shall be required to have a setback plus one half (1/2) the needed distance to equal the required right of way.

7.3 DEVELOPMENT STANDARDS

Division 1 - Performance Standards

A. PURPOSE AND APPLICABILITY: The purpose of this section is to establish the standards that apply to specified uses without regard to zone and specific sites without regard to use. 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 A.
2. The Number or 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 activity shall create excessive levels of noise or vibration beyond its property line.
2. No activity 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 activity shall create electrical interference that adversely affects other uses.
4. No activity 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, bear or other vermin, or be susceptible to spillage by dogs, cats or other animals;
 - 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 A.

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 significant loss of existing and potential water quality, wetlands, wildlife, or scenic values, and 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 in conformance with Appendix C Division 2 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 written compliance with all state and federal wetlands protection requirements.

I. YARDS and BUILDING HEIGHT: The yards created by required setbacks shall remain unenclosed, except as permitted below or elsewhere within this ordinance.

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 of 200 square feet or less shall be permitted in required rear yards where a setback of ten feet from all property lines is maintained. No accessory building shall be located in the required front or side yard area. 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.

4. No fence shall exceed six feet (6') in height. Exceptions to this height may be considered as a special use permit and may be required to obtain a building permit. No permit is required for fences six feet (6') or less in height. However, all fencing is subject to other ordinance provisions, such as maintaining clear vision at intersections as provided in Article 7.3 Division 1 G above, which may affect placement and height.

5. Maximum Building Height: The maximum building height in any residential zone is twenty-six (26) feet. The maximum building height in all other zones is thirty (30) feet. All proposed structures shall be required to provide with building permit application materials side elevation drawings of all sides of the structure with building height and pre-development grades depicted. For structures greater than twenty (20) feet in height, including stem walls, such information shall be certified by a licensed surveyor, engineer, architect or landscape architect and be submitted with building permit application materials.

The maximum building height is the vertical distance between pre-development ground elevation and the highest point on the building. The maximum building height shall be measured immediately adjacent to the building from a horizontal plane set by the highest structural point on the building to the highest predevelopment ground elevation on the uphill side of the building.

Building height excludes chimneys, vents and antennae. Pre-development elevations shall be determined by the presence of undisturbed topsoil and/or vegetation or similar indications to the satisfaction of the City. Any costs incurred by the City to determine building height shall be in addition to other building or zoning permit fees and shall be the responsibility of the landowner.

J. SEWER AND WATER SERVICES: All development shall provide evidence of city sewer and water services, or approved alternative systems if city services are not available.

Division 2 - Performance Standards Applicable to Special Uses

A. 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 B.

B. 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.

C. RUNOFF AND EROSION CONTROL: A professionally prepared runoff and erosion control plan shall be implemented by all developments located on land with a slope of more than eight percent or where a cumulative total of more than 20,000 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 where existing vegetation will be retained and land disturbance minimized (retention of existing vegetation in buffers wherever possible is required);
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;
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.

D. HAZARDOUS SUBSTANCES: Any use that is, or may reasonably be expected to involve the handling or storage of hazardous substances shall demonstrate continuing compliance with state and federal requirements for the storage and handling of hazardous substances. No such uses, other than marinas, shall be located within the River Corridor Overlay Zoning District.

E. 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. hours of operation, lighting, activity levels, as measured by traffic and noise generation, parking and storage area requirements, the number and size of signs, and similar indicators.

F. LOCATION OF PARKING AREA: 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.

G. PEDESTRIAN CIRCULATION: All land use changes shall provide safe and adequate non-motorized travelways.

H. SNOW STORAGE: All developments shall provide for adequate on-site snow storage. Snow storage shall not be permitted to reduce the size of required off-street parking or loading areas.

Division 3 - Performance Standards for Large Scale Development

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 road improvements such 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 the 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;
 - 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 available 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

A. 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. Private streets, 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.

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

C. FAILURE TO MAINTAIN: Failure to maintain any required improvement shall be a violation of this ordinance.

7.4 HOME OCCUPATION:

A. Purpose: The following performance standards are intended 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.

Home occupations shall comply with the following standards:

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

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

D. **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 A.

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

1. within an enclosed structure; or
2. within an area that is effectively screened from public view.

F. **Signs:** Home occupation signs shall be limited to the following:

1. one non-illuminated wall sign of no more than six square feet; and
2. one non-illuminated on-site directional sign of no more than four square feet.

G. **Business registration** as otherwise required by city ordinances.

ARTICLE 8 ADMINISTRATIVE PROCEDURES

8.1 INTERPRETATION:

A. **Interpretation:** In the interpretation and application of the provisions of this ordinance the requirements will be held to be minimum requirements. This ordinance is adopted in compliance with the Idaho Code for the purpose of promoting the health, safety, and general welfare of the citizens of the city of Dover and the state of Idaho.

B. **Other Codes, Resolutions, Rules and Regulations:** When this ordinance imposes a greater restriction upon the use of buildings or premises or requires larger spaces than are imposed by other codes, resolutions, rules and regulations, or covenants, the provisions of this ordinance shall control. The provisions of this ordinance shall be so interpreted as shown on the official zoning map on file in the city clerk's office, in compliance with this ordinance as adopted and the city of Dover comprehensive plan.

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

D. **Zoning Administrator:** The mayor may, 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 and process applications for permits required by this ordinance;
3. Arrange for review of building permit applications for compliance with this ordinance;
4. Arrange for professional review of applications if required or necessary;
5. Arrange for and assist in the conduct of public hearings held by the planning and zoning commission and city council;

6. Issue certificates of occupancy, based on on-site inspections and supporting data;
7. Investigate possible violations of this ordinance;
8. Properly account for all fees collected by the administrator
9. Perform all other duties assigned by this ordinance or city council.

E. Appeals: Decisions of the administrator may be appealed to the council using the procedure described here, and as provided by Idaho Code.

1. The appellant shall file a written appeal and supporting materials with the administrator within 30 days of a decision.
2. Upon receipt of the appeal and any applicable fee the administrator shall place the appeal on the agenda of the next available council meeting.
3. The council shall determine whether the decision being appealed is in compliance with this ordinance, and affirm, modify, or overturn that decision accordingly.
4. The administrator shall notify the appellant in writing of the council's decision.

F. 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.

8.2 SCHEDULE OF FEES, CHARGES AND EXPENSES:

The council shall establish by resolution a schedule of fees, charges and expenses and a collection procedure for zoning permits, amendments, appeals, variances, special use permits, plan approvals and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be retained in the office of the city clerk and may be altered or amended only by the council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

8.3 PUBLIC HEARINGS:

- A. Any of the following planning and zoning activities will be required to hold public hearings in accordance with the applicable requirements of the "Local Land Use Planning Act, Idaho Code title 67, chapter 65.
1. Comprehensive Plan amendments.
 2. Zone Ordinance and map amendments.
 3. Special use permits.
 4. Variances
- B. All public hearings under this ordinance shall be noticed in compliance with title 67, chapter 65 of the Idaho Code.
1. When notice is required to two hundred (200) or more property owners or purchasers of record, notice may be given through a display advertisement at least four inches (4") by two (2) columns in size in the official newspaper of the city at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site, in lieu of mailed notice. The applicant shall bear the responsibility and cost of all legal publications and the public notice.
 2. The applicant shall bear the cost of publication of the notice and mailing. The City shall prepare the public notice and the applicant shall supply an ownership report prepared by a title

company, licensed in the state of Idaho, of all property owners according to the tax roll of the County for official mailing by the City.

ARTICLE 9 SPECIAL USE PERMITS

9.1 PURPOSE: The special use permit procedure is intended to provide uses that may be specially permitted under this ordinance, subject to conditions. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one parcel of land to another;

9.2 APPLICATION FOR SPECIAL USE PERMIT: An application for special use permit shall be filed with the administrator by at least one owner or lessee of property for which such special use is proposed, using the form provided by the city and shall contain a plan of the proposed site for a special use, drawn to a readable scale, showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission may require to determine if the proposed special use meets with the intent and requirements of this ordinance; concept elevation drawings of proposed structures; an ownership report as referenced in Article 8.3B2; and an objective narrative statement evaluation of the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; a discussion regarding traffic impacts to the surrounding area; and the relationship of the proposed use to the comprehensive plan.

9.3. GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES: In addition to development standards contained within Article 7 Section 7.3, and prior to approving a special use, the city council shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Will, in fact, constitute a special use as established in this ordinance for the zoning district involved;
- B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or the zoning ordinance;
- C. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Will not create excessive additional requirements as to public cost for public facilities;
- E. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
- F. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic and surrounding public thoroughfares; and

9.4. SUPPLEMENTARY CONDITIONS AND SAFEGUARDS: In granting any special use, the city council may prescribe appropriate conditions, bonds, and safeguards in conformity with this ordinance. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this ordinance.

9.5. PUBLIC HEARINGS BY PLANNING COMMISSION AND CITY COUNCIL: As soon as is practical following the filing of a completed application, as determined by the Administrator, and prior to granting a special use permit, public hearings in which interested persons shall have an opportunity to be heard shall be held by the both the planning and zoning commission and the city council pursuant to title 67 chapter 65 of the Idaho Code.

- A. After the planning and zoning commission public hearing the commission shall make a recommendation to the city council. The commission shall either recommend approving, conditionally approving or disapproving the application as presented. The city council shall then hold a public hearing and either approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with modifications or conditions, the

administrator shall issue a special use permit listing the specific conditions specified in the approval. Application approval shall be valid for two years from the date of city council approval unless extended by a development agreement approved by the city council. Unless approved application conditions are completed within said time frame, application approval shall expire;

- B. Conditions may be attached to a special use permit, including, but not limited to, those minimizing adverse impact on the other development; controlling the sequence and timing of development; designating the exact location and nature of development; requiring the provisions for on site or off site public facilities or services; and requiring more restrictive standards than those generally required in an ordinance;

9.6 NOTIFICATION TO APPLICANT: The administrator shall provide the applicant with written notice of the action on the request.

9.7 FAILURE TO COMPLY: Continued operation of a use requiring a special use permit that is in noncompliance with any condition of a special use permit, shall constitute a violation of the zoning ordinance. An application approval shall be valid for two years from the date of city council approval unless extended by a development agreement approved by the city council. Unless approved application conditions are completed within said time frame, application approval shall expire.

ARTICLE 10 VARIANCE

10.1 PURPOSE: The city council may authorize in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship because of the physical characteristics of the site (topography). No nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit but only where strict application of the provisions of this ordinance would result in unnecessary hardship not created by the property owner. Variances can be granted for a modification of the requirements of this ordinance as to the lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, height of buildings, or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots.

10.2 APPLICATION AND STANDARDS FOR VARIANCES:

A. A variance from the terms of this ordinance shall not be granted by the city council unless and until a written application for a variance is submitted to the administrator containing:

1. Name, address and telephone number of applicant(s);
2. Legal description of the property;
3. Description of nature of variance requested, including:
 - a. The special conditions and circumstances existing which are peculiar to the land, are not applicable to other lands, structures or buildings in the same district;
 - b. Statement regarding how the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c. Statement regarding how the special conditions and circumstances do not result from actions of the applicant; and
 - d. Statement regarding how granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district;
4. A site plan/plot plan, drawn to a readable scale, containing and showing the following information:
 - a. Dimensions of all property, under review;

- b. Location of the present building on the subject property (applicants) with the dimensions of the front, side and rear yards;
- c. Dimensions of all other buildings or structures on subject property;
- d. Location of any proposed building or structures on the proposed extension, expansion or relocation of a building or structure on the property;
- e. Location of the buildings on adjacent lots, giving the depth of the front, rear and side yards showing all dimensions;
- f. The existing use of each building or structure and the proposed use of the existing or new building;
- g. The name and location of all streets and alleys;
- h. The location and arrangement of all parking facilities;
- i. Show on the site plan how the project will be landscaped, placement of trees, shrubs, lawns, and other ground cover;
- j. Location of fencing, garages, driveways, sidewalks, water lines, sewer lines and other utility improvements.

B. A variance shall not be granted unless the city council makes specific written findings of fact based directly on the particular evidence presented to it which supports conclusions that the above mentioned standards and conditions have been met by the applicant.

10.3 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS: Under no circumstances shall the city council grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any variance, the city council may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted shall be deemed a violation of this ordinance.

10.4 PUBLIC HEARING:

- A. As soon as is practical following the filing of a completed application, as determined by the administrator, and prior to granting a variance permit, public hearings in which interested persons shall have an opportunity to be heard shall be held by the both the planning and zoning commission and the city council pursuant to title 67 chapter 65 of the Idaho Code.
- B. After the planning and zoning commission public hearing the commission shall make a recommendation to the city council. The commission shall either recommend approving, conditionally approving or disapproving the application as presented. The city council shall then hold a public hearing and either approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with modifications or conditions, the administrator shall issue a special use permit listing the specific conditions specified in the approval. Permits shall be valid for two years from the date of city council approval unless extended by a development agreement approved by the city council. Unless approved application conditions are completed within said time frame, application approval shall expire.

10.5 NOTIFICATION TO APPLICANT: The administrator shall provide the applicant with written notice of the action on the request. Permits shall be valid for two years from the date of city council approval unless extended by a development agreement approved by the city council. Unless approved application conditions are completed within said time frame, application approval shall expire.

ARTICLE 11 ZONING AMENDMENTS

11.1 AMENDMENTS ORDINANCE AND MAP MAY BE AMENDED: Whenever the public necessity, convenience, and general welfare or good zoning practices require, the city council may, by ordinance and subject to procedures provided by law and receiving a recommendation from the

planning and zoning commission, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property. Advertisement and notice costs shall be paid by the petitioner.

11.2 AMENDMENT TO TEXT OF ZONING ORDINANCE: An amendment to the text of the zoning ordinance may be initiated by the council, or by any citizen or taxpayer of the city of Dover through a petition in writing filed with the administrator. The city council may, by ordinance and subject to procedures provided by law and receiving a recommendation from the planning and zoning commission, amend, supplement, change or repeal the text of the zoning ordinance. Advertisement and notice costs shall be paid by the petitioner.

11.3 APPLICATION FOR ZONE CHANGE: Application for amendments to the official zoning map shall be filed with the administrator and shall contain at least the following information:

- A. Name, address and telephone number of applicant;
- B. Present land use of subject and surrounding properties;
- C. Present zoning district of subject and surrounding properties;
- D. Proposed land use;
- E. Proposed zoning district;
- F. A vicinity map (drawn to a readable scale) showing property lines, thoroughfares, lineal feet measurements for all parcels of land within three hundred feet (300') beyond, excluding streets and alleys, of the external boundaries of the land being considered, and the existing zoning district for each parcel;
- G. A statement on how the proposed amendment relates to the comprehensive plan, availability of public facilities and compatibility with the surrounding area.

11.4 AMENDMENT PROCEDURES: Amendments to the zoning ordinance and map shall be made in the following manner:

- A. Requests shall be submitted to the city council, which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with the adopted comprehensive plan, the city council may adopt the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with the adopted comprehensive plan the city council may adopt or reject an amendment to the comprehensive plan under the notice and hearing procedures provided in section 67-6509, Idaho Code. After the comprehensive plan has been amended as hereinafter provided for, the city council shall hold a public hearing and make a decision on the proposed zoning amendment.
- D. In the event the city council shall approve an amendment, such amendment shall thereafter be made a part of this ordinance upon the preparation and passage of an ordinance and the city zoning map duly amended.

ARTICLE 12 SIGNS

12.1 PERMIT REQUIRED: A building permit shall be required for the placement or installation of any sign, including replacements of existing signs, except as provided below. The location, type, and size of proposed signs shall be included in the materials required for special use permit applications.

12.2 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:

- A. Residential nameplates;
- B. Real estate and construction signs;

C. Political signs placed no more than 60 days before the election to which they relate and removed within 10 days after that election;

D. Window signs;

E. Traffic control signs or public notices placed by the City or other public agencies.

12.3 PROHIBITED SIGNS: All signs not expressly permitted by this ordinance shall be prohibited. Signs are defined as 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.

A. Fabric shelters supported by a rigid framework attached to a building.

B. 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.

C. 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.

D. Home Occupation Signs. See APPENDIX B.

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

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

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

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

I. 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.

J. Traffic Control Signs. Standard regulatory signs, including stop and yield signs, speed limit signs, etc.

K. 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 roof line of the building to which they are attached.

L. 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.

12.4 PLACEMENT OF SIGNS PROHIBITED: No sign shall be placed:

A. In a public right-of-way, except traffic control or regulatory signs placed by public agencies;

B. On a tree, utility pole, or fence;

C. On a vehicle or trailer parked in a visible location for the primary purpose of displaying the sign;

D. Where it creates a traffic safety hazard by obstructing vision at an intersection or driveway or obscures traffic control signs.

12.5 PERMITTED SIGNS: Only the following signs shall be permitted:

A. Traffic control signs or public notices placed by the city or other public agencies;

B. One nameplate of no more than four square feet for each dwelling;

C. One real estate sign, of no more than six square feet, for each lot or dwelling currently offered for sale, lease, or rent;

D. 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;

E. 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;

F. Home occupation signs;

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

1. 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;
2. On-site directional and traffic control signs that provide for safe access to the site and safe circulation in parking and loading areas;
3. Window signs that occupy no more than 29% of any window; and
4. 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.
5. Awnings may be used as on-premise signs, but only to display the name or logo of the owner or operator.
6. 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.

12.6 ILLUMINATION OF SIGNS: Only non-illuminated 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 Section 7.3 D.2.

12.7 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.

12.8 MAINTENANCE OF SIGNS: Signs and their supporting structures shall be maintained so as not to create health or safety hazards.

12.9 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.

ARTICLE 13 ZONING PERMIT

13.1 PERMIT REQUIRED. Prior to the construction, remodel, modification or moving onto the site any structure, the property owner shall make application and obtain a zoning permit from the City.

13.2 APPLICATION REQUIREMENTS:

A. All applications for a zoning permit shall contain at least the following:

1. Name, address and telephone number of applicant;
2. Present land use;
3. Present zoning district;
4. Proposed land use;
5. Site Plan depicting the proposed location of the structure, public rights of way and setbacks.

B. Zoning permit applications shall be accompanied by an application fee in an amount set by resolution of the city council.

13.3 ISSUANCE OF PERMIT.

- A. A zoning permit will be issued by the administrator if the structure and the proposed use are in conformance with this ordinance.
- B. No zoning permit shall be issued for the construction, remodel, modification or moving onto the site of any structure that is not in conformance with the use or development standards set forth in this ordinance.

ARTICLE 14 ENFORCEMENT:

14.1 VIOLATIONS. Any persons, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted. Nothing contained herein shall preclude the City from pursuing enforcement through injunctive relief or any other civil remedies available.

14.2 PENALTIES. Upon conviction of any violation of any of the provisions of this ordinance, such person shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or both such fine and imprisonment.

SECTION 2

SEVERABILITY: The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

SECTION 3

REPEAL OF ORDINANCE 114: Ordinance 114 and all other ordinances of the City of Dover which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

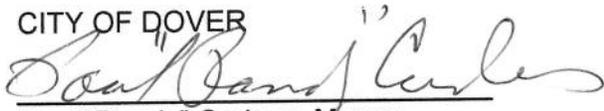
SECTION 4

EFFECTIVE DATE: This ordinance shall be effective upon passage and publication as provided by law.

This duly enacted under suspension of the rules by the city council as an ordinance of the City of Dover on the 13th day of January, 2011.

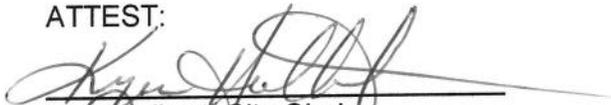
Approved by the Mayor on the 13th day of January, 2011.

CITY OF DOVER



Paul "Randy" Curless, Mayor

ATTEST:



Kym Holbert, City Clerk

APPENDIX A - 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 A1. 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 A1 shall be determined by the administrator

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; included a depressed curb section for handicapped access; and be marked by signs facing both traffic lanes.

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 Section 7.3.
- 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/or 60 degree angle parking: 18 feet;
 - iii. for one-way circulation and/or 45 degree angle parking: 15 feet;
 - iv. for one-way circulation and/or 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 B - 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 B1 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 B.1 may be reduced where a greater density and diversity of plantings is included in the buffer. The buffer width reductions permitted in this section are cumulative and may result in a total reduction of up to 30%. Buffer width reductions permitted above 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. Under story trees: The required buffer width shall be reduced by 10% where five or more under story 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 under story, shall be containerized or bagged and burlapped stock in good condition with a diameter at breast height (dbh) 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 warranted for one year by the provider.

7. Maintenance. Perpetual maintenance of required buffers is required.

APPENDIX C - 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 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, unless otherwise approved by the city council, and properly drained as directed by the city engineer.

5. Minimum Width. The final paved width of all streets shall be in accordance with adopted street standards. This requirement may be altered as the result of a large scale development study.

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.

7. Maximum Grade. The maximum grade of any street shall be eight percent, except at intersections, as provided in Division 2 below.

8. Cul-De-Sacs, Turnarounds and Connections. Cul-de-sacs and turnarounds shall be consistent with adopted codes and master plans and be approved by the fire district and city council. Dead end streets shall be discouraged and all developments shall be designed to maximize functional connections with adjoining developments. This includes, but is not limited to, general access and traffic and pedestrian circulation, access to shared access to arterial streets, shared parking and service access, shared buffers and open space areas, and shared pedestrian circulation.

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

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

Division 2 - Intersection Design

1. 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.

2. Clear Sight Distance and Vision Triangle: A minimum clear sight distance of 90 feet shall be maintained along each approach leg at all street intersections. Additionally, a clear vision triangle to provide 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 out edge of the driveway, each of which is 15 feet from the point where the driveway crosses the lot line.
3. **Grade at Intersection.** The maximum grade at, and within 50 feet along both approaches to, any intersection shall be two percent.
4. **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.
5. **Curb Radius.** Curb radius at all intersections shall be 20 feet, except at intersections with arterials, where it shall be 25 feet.
6. **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.
7. **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

1. **Culverts and Bridges.** All culverts and bridges shall be designed by an Idaho licensed engineer.
 - 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 item b. above 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.
 - 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 out 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.

TABLE A.1 -- MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS
Use

| | <u>Spaces Required*</u> |
|--|-------------------------|
| <u>Residential</u> | |
| Boarding houses, dormitories | 1 per bed |
| Dwellings | 2 per unit |
| <u>Retail</u> | |
| Apparel, accessories | 3 |
| Automotive, marine craft, aircraft, access. | |
| sales, no service | 1 |
| sales and services | 5 |
| Building materials, hardware, farm equipment | 1 |
| Eating and drinking places | 15 |
| Furniture, home furnishings, equipment | 1 |
| General merchandise | 4 |
| Groceries, other food stores | 4 |
| Other retail trade | 3 |
| Shopping centers less than 200,000 sq. feet | 4 |
| Shopping center over 200,000 sq. feet | 5 |
| <u>Service</u> | |
| Finance, insurance, real estate | 3 |
| Personal services | |
| Beauty and barber services | 6 |
| All others | 3 |
| Business services | 3 |
| Health services | |
| Physicians, dentists, out-patient clinics | 5 |
| Hospitals | 2 per bed |
| Rest homes, etc. | 2 per bed |
| Professional services | 3 |
| Miscellaneous services | 3 |
| Office parks - mixed uses | 3 |
| <u>Entertainment</u> | |
| Theaters, other places of assembly | .3 per seat |
| Bowling alleys, arcades, similar amusements; health clubs, spas | 5 |

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

| | |
|--|-------------|
| Lodging places | 1 per room |
| Manufacturing, wholesaling | 2 |
| Transportation, communication, utilities | 2 |
| Contract construction services | 2 |
| Day care centers, pre-schools | 1 |
| Elementary, junior high schools | 1 per class |

* = per 100 square feet of gross floor area

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.

TABLE B1 REQUIRED BUFFERS

| Use Providing the Buffer | Use Being Buffered | Required Basic Buffer | Buffer Height Adjustment Factor | Width In Security Fence Required? | Feet Headlight Buffer Required? |
|--|--------------------|----------------------------|---------------------------------|-----------------------------------|---------------------------------|
| comm/public | resid/vacant | 20 | 1:1 | no | parking area |
| | river | 40 | none | no | no |
| | | | | | |
| outdoor materials handling/storage area; solid waste handling and storage | | | | | |
| - 10,000 SF | resid/vacant | 20 | none | yes | yes |
| | public way | 12 | none | no | yes |
| | river | 20 | none | no | no |
| + 10,000 SF | resid/vacant | 40 | none | yes | yes |
| | public way | 12 | none | no | no |
| | river | 40 | none | no | no |
| parking areas with + 4 spaces | | | | | |
| | resid/vacant | 12 | none | no | yes |
| | public way | 12 | none | no | yes |
| High density resident uses | | | | | |
| | residential | 12 | 80:1 | no | parking area |
| | river | 20 | none | no | no |

SF = Square Feet Resid = residential

NOTES: The basic buffer width is required in all cases, except where a width reduction is permitted by appendix B.3 or B.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.

SCHEDULE OF RESIDENTIAL DISTRICT REGULATIONS

| Zone | Permitted Uses | Specially Permitted Uses | Minimum Lot Size | Setback Front | Setback Side | Setback Flanking Street | Setback Rear | Maximum Lot Coverage | Maximum Building Height |
|------|---|--|-------------------------|---------------|--------------|-------------------------|--------------|----------------------|-------------------------|
| *R | 1 Single-Family Dwelling & Accessory structures | | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 50% | 26' |
| | Home Occupations subject to home occupation standards | | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 50% | 26' |
| | Minor utility installations | | NA | NA | NA | NA | NA | NA | 26' |
| | **Minor changes in occupancy in commercial buildings | | NA | NA | NA | NA | NA | NA | NA |
| | | Multiple residences, Multi-family Dwellings, Guest Houses, Condominiums & Townhouses | 12,000 sq. ft. Per Unit | 25' | 10' | 25' | 25' | 50% | 26' |
| | | Apartment Buildings | 12,000 sq. ft. per unit | 25' | 10' | 25' | 25' | 50% | 26' |
| | | Churches and Non-Profit Community Halls | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 70% | 26' |
| | | Daycare Centers | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 70% | 26' |
| | Municipal Parks/ Recreation Facilities | | NA | 25' | 10' | 25' | 25' | NA | 26' |
| | | Private Parks/ Recreation Facilities | NA | 25' | 10' | 25' | 25' | NA | 26' |
| | | Residential Lodging | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 70% | 26' |
| | | Public or private professional offices | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 70% | 26' |
| | | Schools | 12,000 sq. ft. | 25' | 10' | 25' | 25' | NA | 26' |
| | | Information Centers | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 70% | 26' |
| | Structures, facilities, yard activities and other infrastructure necessary to provide public or private utilities | | NA | NA | NA | NA | NA | NA | NA |

*R = Residential Zone District

** = Change does not result in the expansion of building or creation of new or expanded outdoor sales, work or storage area.

All principal structures located on streets having less than a required right of way shall be required to have a setback plus one half (1/2) the needed distance to equal the required right of way.

NOTE: Set back from mean high water from all bodies of water and streams identified on a USGS map shall be 40 feet.

The keeping of one large animal (one horse, llama, sheep, cow or goat including offspring until weaned) for each 20,000 sq ft of parcel or lot area is a permitted use in all zones.

SCHEDULE OF SUBURBAN DISTRICT REGULATIONS

| Zone | Permitted Uses | Specially Permitted Uses | Minimum Lot Size | Setback Front | Setback Side | Setback Flanking Street | Setback Rear | Maximum Lot Coverage | Maximum Building Height |
|------|---|--|------------------|---------------|--------------|-------------------------|--------------|----------------------|-------------------------|
| *S | 1 Single-Family Dwelling & Accessory structures | | 1 Acre | 25' | 10' | 25' | 25' | 50% | 30' |
| | Home Occupations subject to home occupation standards | | 1 Acre | 25' | 10' | 25' | 25' | 50% | 30' |
| | Minor utility installations | | NA | NA | NA | NA | NA | NA | 30' |
| | **Minor changes in occupancy in commercial buildings | | NA | NA | NA | NA | NA | NA | NA |
| | | Multiple residences, Multi-family Dwellings, Guest Houses, Condominiums & Townhouses | 1 Acre Per Unit | 25' | 10' | 25' | 25' | 50% | 30' |
| | | Apartment Buildings | 1 Acre per unit | 25' | 10' | 25' | 25' | 50% | 30' |
| | | Churches and Non-Profit Community Halls | 1 Acre | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Daycare Centers | 1 Acre | 25' | 10' | 25' | 25' | 70% | 30' |
| | Municipal Parks/ Recreation Facilities | | NA | 25' | 10' | 25' | 25' | NA | 30' |
| | | Private Parks/ Recreation Facilities | NA | 25' | 10' | 25' | 25' | NA | 30' |
| | | Residential Lodging | 1 Acre | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Public or private professional offices | 1 Acre | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Schools | 1 Acre | 25' | 10' | 25' | 25' | NA | 30' |
| | | Information Centers | 1 Acre | 25' | 10' | 25' | 25' | 70% | 30' |
| | Structures, facilities, yard activities and other infrastructure necessary to provide public or private utilities | | NA | NA | NA | NA | NA | NA | NA |

*S = Suburban Zone District

** = Change does not result in the expansion of building or creation of new or expanded outdoor sales, work or storage area.

All principal structures located on streets having less than a required right of way shall be required to have a setback plus one half (1/2) the needed distance to equal the required right of way.

NOTE: Set back from mean high water from all bodies of water and streams identified on a USGS map shall be 40 feet.
The keeping of one large animal (one horse, llama, sheep, cow or goat including offspring until weaned) for each 20,000 sq ft of parcel or lot area is a permitted use in all zones.

SCHEDULE OF RURAL RESIDENTIAL DISTRICT REGULATIONS

| Zone | Permitted Uses | Specially Permitted Uses | Minimum Lot Size | Setback Front | Setback Side | Setback Flanking Street | Setback Rear | Maximum Lot Coverage | Maximum Building Height |
|------|---|--|------------------|---------------|--------------|-------------------------|--------------|----------------------|-------------------------|
| *RR | 1 Single-Family Dwelling & Accessory structures | | 3 acre | 25' | 10' | 25' | 25' | 50% | 30' |
| | Home Occupations subject to home occupation standards | | 3 acre | 25' | 10' | 25' | 25' | 50% | 30' |
| | Minor utility installations | | NA | NA | NA | NA | NA | NA | 30' |
| | **Minor changes in occupancy in commercial buildings | | NA | NA | NA | NA | NA | NA | NA |
| | | Multiple residences, Multi-family Dwellings, Guest Houses, Condominiums & Townhouses | 3 acre Per Unit | 25' | 10' | 25' | 25' | 50% | 30' |
| | | Apartment Buildings | 3 acre per unit | 25' | 10' | 25' | 25' | 50% | 30' |
| | | Churches and Non-Profit Community Halls | 3 acre | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Daycare Centers | 3 acre | 25' | 10' | 25' | 25' | 70% | 30' |
| | Municipal Parks/ Recreation Facilities | | NA | 25' | 10' | 25' | 25' | NA | 30' |
| | | Private Parks/ Recreation Facilities | NA | 25' | 10' | 25' | 25' | NA | 30' |
| | | Residential Lodging | 3 acre | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Public or private professional offices | 3 acre | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Equipment service & repair business | 3 acres | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Light manufacturing, processing & fabrication with all activities indoors & not including mining | 3 acres | 25' | 10' | 25' | 25' | 70% | 30' |
| | Structures, facilities, yard activities and other infrastructure necessary to provide public or private utilities | | NA | NA | NA | NA | NA | NA | NA |

*R = Rural Residential Zone District ** = Change does not result in the expansion of building or creation of new or expanded outdoor sales, work or storage area. NOTE: Set back from mean high water from all bodies of water and streams identified on a USGS map shall be 40 feet. The keeping of one large animal (one horse, llama, sheep, cow or goat including offspring until weaned) for each 20,000 sq ft of parcel or lot area is a permitted use in all zones. **All principal structures located on streets having less than a required right of way shall be required to have a setback plus one half (1/2) the needed distance to equal the required right of way.**

SCHEDULE OF AGRICULTURE DISTRICT REGULATIONS

| Zone | Permitted Uses | Specially Permitted Uses | Minimum Lot Size | Setback Front | Setback Side | Setback Flanking Street | Setback Rear | Maximum Lot Coverage | Maximum Building Height |
|------|---|---|------------------|---------------|--------------|-------------------------|--------------|----------------------|-------------------------|
| *A | 1 Single-Family Dwelling & Accessory structures | | 6 Acres | 25' | 10' | 25' | 25' | 50% | 30' |
| | Home Occupations subject to home occupation standards | | 6 Acres | 25' | 10' | 25' | 25' | 50% | 30' |
| | Minor utility installations | | NA | NA | NA | NA | NA | NA | 30' |
| | **Minor changes in occupancy in commercial buildings | | NA | NA | NA | NA | NA | NA | NA |
| | | Multiple residences, Multi-family Dwellings, Guest Houses, Condominiums & Townhouses | 6 Acres Per Unit | 25' | 10' | 25' | 25' | 50% | 30' |
| | | Apartment Buildings | 6 Acres per unit | 25' | 10' | 25' | 25' | 50% | 30' |
| | | Churches and Non-Profit Community Halls | 6 Acres | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Daycare Centers | 6 Acres | 25' | 10' | 25' | 25' | 70% | 30' |
| | Municipal Parks/ Recreation Facilities | | NA | 25' | 10' | 25' | 25' | NA | 30' |
| | | Private Parks/ Recreation Facilities | NA | 25' | 10' | 25' | 25' | NA | 30' |
| | | Residential Lodging | 6 Acres | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Public or private professional offices | 6 Acres | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Equipment service & repair business | 6 acres | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Light manufacturing, processing & fabrication with all activities indoors, not including mining | 6 acres | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Schools | 6 Acres | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Structures, facilities, yard activities and other infrastructure necessary to provide public or private utilities | NA | NA | NA | NA | NA | NA | NA |

*R = Rural Residential Zone District ** = Change does not result in the expansion of building or creation of new or expanded outdoor sales, work or storage area.

NOTE: Set back from mean high water from all bodies of water and streams identified on a USGS map shall be 40 feet. The keeping of one large animal (one horse, llama, sheep, cow or goat including offspring until weaned) for each 20,000 sq ft of parcel or lot area is a permitted use in all zones.

All principal structures located on streets having less than a required right of way shall be required to have a setback plus one half (1/2) the needed distance to equal the required right of way.

SCHEDULE OF COMMERCIAL DISTRICT REGULATIONS

| Zone | Permitted Uses | Specially Permitted Uses | Minimum Lot Size | Setback Front | Setback Side | Setback Flanking Street | Setback Rear | Maximum Lot Coverage | Maximum Building Height |
|-------------|---|---|-------------------------|----------------------|---------------------|--------------------------------|---------------------|-----------------------------|--------------------------------|
| *C | 1 Single-Family Dwelling & Accessory structures | | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 50% | 30' |
| | Home Occupations subject to home occupation standards | | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 50% | 30' |
| | Minor utility installations | | NA | NA | NA | NA | NA | NA | 30' |
| | **Minor changes in occupancy in commercial buildings | | NA | NA | NA | NA | NA | NA | NA |
| | | Multiple residences, Multi-family Dwellings, Guest Houses, Condominiums & Townhouses | 12,000 sq. ft. Per Unit | 25' | 10' | 25' | 25' | 50% | 30' |
| | | Apartment Buildings | 12,000 sq. ft. per unit | 25' | 10' | 25' | 25' | 50% | 30' |
| | | Churches and Non-Profit Community Halls | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Daycare Centers | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 70% | 30' |
| | Municipal Parks/ Recreation Facilities | | NA | 25' | 10' | 25' | 25' | NA | 30' |
| | | Private Parks/ Recreation Facilities | NA | 25' | 10' | 25' | 25' | NA | 30' |
| | | Residential Lodging | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Retail, service or repair business, including eating and drinking establishments | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Light manufacturing, processing & fabrication with all activities indoors, not including mining | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Public or private professional offices & sales offices | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Hotels, motels & motor inns | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 70% | 30' |
| | | Schools | 12,000 sq. ft. | 25' | 10' | 25' | 25' | NA | 30' |
| | | Radio, TV or broadcast | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 70% | 30' |

| | | | | | | | | | | | | | |
|--|---|----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--|
| | stations facilities | | | | | | | | | | | | |
| | Warehouse/Mini-storage | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 25' | 25' | 25' | 25' | 70% | 30' | |
| | Veterinary | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 25' | 25' | 25' | 25' | 70% | 30' | |
| | Information Centers | 12,000 sq. ft. | 25' | 10' | 25' | 25' | 25' | 25' | 25' | 25' | 70% | 30' | |
| | Structures, facilities, yard activities and other infrastructure necessary to provide public or private utilities | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | |

*C = Commercial Zone District

** = Change does not result in the expansion of building or creation of new or expanded outdoor sales, work or storage area.

NOTE: Set back from mean high water from all bodies of water and streams identified on a USGS map shall be 40 feet.

The keeping of one large animal (one horse, llama, sheep, cow or goat including offspring until weaned) for each 20,000 sq ft of parcel or lot area is a permitted use in all zones.

All principal structures located on streets having less than a required right of way shall be required to have a setback plus one half (1/2) the needed distance to equal the required right of way.