

**CITY OF DOVER, IDAHO**

**CITY OF DOVER ZONING REGULATIONS (TITLE 12)**

**ORDINANCE NO. 146**

AN ORDINANCE OF THE CITY OF DOVER, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REPEALING ORDINANCE NO. 117 (CITY OF DOVER ZONING ORDINANCE) AND ADOPTING A NEW ZONING REGULATIONS ORDINANCE TO BE KNOWN AS THE CITY OF DOVER ZONING REGULATIONS (TITLE 12). THE PURPOSE OF THE ORDINANCE IS TO: CONFORM TO THE CITY'S PROPOSED CODIFIED NUMBERING SYSTEM; PROVIDE PURPOSE, AUTHORITY, AND DEFINITIONS; PROVIDE FOR APPLICABILITY, ADMINISTRATION, PROCEDURES AND APPEALS; CONSOLIDATE RELATED ZONING CODES UNDER ONE TITLE; ESTABLISH CERTAIN ZONING STANDARDS AND USES; CORRECT MINOR ERRORS; RESTORE PLANNED UNIT DEVELOPMENT CODES; INCLUDE MISDEMEANOR PENALTIES OF NOT MORE THAN ONE THOUSAND DOLLARS OR IMPRISONMENT NOT TO EXCEED SIX MONTHS IN JAIL OR BOTH; REPEAL CONFLICTING AND OUTDATED ORDINANCES; AND TO PROVIDE FOR A SAVINGS CLAUSE, SEVERABILITY, AND AN EFFECTIVE DATE.

**Whereas**, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, and the Idaho Municipal Corporations Title 50, Chapters 3 and 9 provide authority for the City of Dover to adopt ordinances establishing land use standards, procedures, and uses; and

**Whereas**, the City of Dover Planning and Zoning Commission conducted a duly noticed public hearing on the proposed ordinance, in accord with the Local Land Use Planning Act, Title 67, Chapter 65, on September 1, 2016 and did make a recommendation of approval to the Dover City Council; and

**Whereas**, Dover City Council conducted a public hearing on the proposed amendment on September 22, 2016, in accord with Title 67, Chapter 65; and

**Whereas**, the City of Dover desires to consolidate and codify its ordinances for efficient administration and ease of use by the public; and

**Whereas**, the City recognizes the need to reorganize land use codes so that certain new standards, uses and procedures could be adopted and placed in logical order; and

**Whereas**, the City desires to place the Area of City Impact and Planning and Zoning Commission ordinances under one title; and

**Whereas**, the City wishes to add accessory dwelling units and second homes to the zoning codes to allow additional housing options; and

**Whereas**, the City discovered the planned unit development ordinance was repealed and the City wishes to restore these codes.

**Now therefore,**

Be it ordained by the Mayor and City Council of the City of Dover, Bonner County, Idaho as follows:

**Section 1. Repeal of Ordinance #117 and Adoption of New Codes.** That Ordinance #117, "City of Dover Zoning Ordinance," is repealed in its entirety and a new zoning regulations ordinance is hereby adopted as follows in the attached **Exhibit A**, to be known as the City of Dover Zoning Regulations, Title 12, Ordinance # 146.

**Section 2. Saving Clause.** All ordinances repealed by this ordinance, shall remain in force to authorize the enforcement, arrest, prosecution, conviction, or punishment of a person who violated said ordinances prior to the effective date of this Ordinance, # 146.

**Section 3. Severability.** The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

**Section 4. Repealers.** In addition to Ordinance #117, Dover City Ordinances #26 and #89 regarding the Planning and Zoning Commission; and Ordinance #94 regarding the Area of City Impact agreement are repealed in their entireties.

**Section 5. Effective date.** This ordinance shall be in full force and effect upon the passage and publication of the ordinance or ordinance summary in one (1) issue of the official newspaper for the City of Dover.

This ordinance passed under suspension of rules and duly enacted as an ordinance of the City of Dover, Idaho on this 22<sup>nd</sup> day of September, 2016, upon the following roll call vote:

**ROLL CALL:**

Council Member Brockway Absent  
Council Member Guthrie AYE  
Council Member Kubiak AYE  
Council Member Strand AYE

Approved by the Mayor this 22<sup>nd</sup> day of September, 2016.

Annie Shaha  
City of Dover Mayor Annie Shaha

Michele Hutchings  
Attest: Michele Hutchings, City Clerk

**APPROVAL OF ORDINANCE SUMMARY**

Publication of this ordinance by summary in the official newspaper is hereby approved by the Dover City Council on this 22<sup>nd</sup> day of Sept., 2016, upon the following vote:

Council Member Brockway Absent  
Council Member Guthrie AYE  
Council Member Kubiak AYE  
Council Member Strand AYE

Approved by the Mayor this 22<sup>nd</sup> day of September, 2016.

Annie Shaha  
City of Dover Mayor Annie Shaha

Michele Hutchings  
Attest: Michele Hutchings, City Clerk

# EXHIBIT A

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# Title 12

## CITY OF DOVER ZONING REGULATIONS

### Chapter 1

#### TITLE, AUTHORITY AND PURPOSE

##### 12-1-1: SHORT TITLE:

This title shall be known as the City of Dover Zoning Regulations.

##### 12-1-2: AUTHORITY:

This title 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 title shall apply, to the extent permitted by law, to all property in the incorporated boundaries of the City of Dover.

##### 12-1-3: PURPOSE:

The purpose of this title is to promote the health, safety, and general welfare of the City of Dover by establishing zoning regulations and districts, in accord with the adopted comprehensive plan, in order:

- A. To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks;
- B. To ensure that adequate public facilities and services are provided to the people at reasonable cost;
- C. To ensure that the economy of the city and its residents is protected;
- D. To ensure that the important environmental features are protected;
- E. To encourage, where appropriate, the protection of prime agricultural, forestry and mining lands and land uses for production of food, fiber and minerals, as well as the economic benefits they provide to the community;
- F. To encourage urban and urban-type development within incorporated cities;
- G. To avoid undue concentration of population and overcrowding of land;
- H. To ensure that the development on land is commensurate with the physical characteristics of the land;
- I. To protect life and property in areas subject to natural hazards and disasters;
- J. To protect fish, wildlife and recreation resources;
- K. To avoid undue water and air pollution;
- L. To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.

## Chapter 2 GENERAL PROVISIONS, ADMINISTRATION, AND ENFORCEMENT

### 12-2-1: INTERPRETATION OF TERMS OR WORDS:

The rules and definitions contained in this title 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."**

### 12-2-2: ENFORCEMENT:

- A. The administrator, or designee, shall have the authority to enforce this title. The administrator shall not issue a permit unless the intended uses of the buildings and land conform in all respects with the provisions of this title.
- B. The city attorney may take any legal action considered necessary to enjoin a violation of this title. The city attorney may, with the consent of the council, bring a civil action considered necessary to enjoin a violation of this title. Civil remedies may be sought in addition to, or in lieu of, criminal penalties, including the recovery of any costs, civil fines or penalties imposed by this title and the filing with the recorder's office of a notice to title of a zoning violation that has remained unresolved for forty-five (45) days or more after the first notice of violation was sent by certified mail by the city to the landowner at the address shown on the county assessor's tax rolls. The notice of violation shall identify the zoning violation, location and the actions required to resolve the violation. After the violation has been resolved, the landowner shall pay a fee as set forth in the official fee schedule established by this title, or by mediated restitution to process and record a lifting of the notice to title.

### 12-2-3: COMPLAINTS OF VIOLATION:

When a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint. The complaint shall state fully the causes and basis for the complaint and shall be filed with the city. The city has the authority to investigate and take actions on the complaint as provided in this title. The city may also dismiss the complaint based upon a finding that there is insufficient evidence that a violation exists.

### 12-2-4: VIOLATIONS AND PENALTIES:

- A. Failure to comply with any provisions of this title shall be deemed a misdemeanor punishable 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.
- B. Each day a violation continues may be considered a separate offense for each and every day or portion thereof during which any violation of this title is committed, continued, or permitted.

- C. Nothing contained herein shall preclude the city from pursuing enforcement through injunctive relief or any other civil remedies available.

#### 12-2-5: AUTHORITY, ISSUANCE OF STOP WORK ORDER, UNLAWFUL CONTINUANCE:

If the administrator finds any activity regulated by this title being performed in a manner contrary to the provisions of this title, the administrator or designee may issue a stop work order.

- A. The stop work order shall be in writing and shall be posted on the premises where the activity is occurring or given to the owner of the property involved, or to the owner's agent, or to any person performing the work. Written notice shall also be provided by the city by certified mail to the landowner at the address shown on the county assessor's tax rolls. On issuance of a stop work order, the cited activity shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited activity will be permitted to resume.
- B. Any person who continues to work or perform an activity after having been served with a stop work order, without express written authorization of the administrator, or designee, shall be subject to the penalties as prescribed by this title.

#### 12-2-6: CREATION OF THE PLANNING AND ZONING COMMISSION:

A Planning and Zoning Commission of the City of Dover is hereby created pursuant to Chapter 65, Title 67, Idaho Code. The Planning and Zoning Commission shall consist of not less than three (3) nor more than twelve (12) voting members, and the initial Commission, until changed by resolution, shall consist of five (5) persons appointed by the Mayor and affirmed by a majority vote of the City Council. The term of office for the initial commission shall be as follows:

- A. One member of the Planning and Zoning Commission shall be appointed for a term of four (4) years;
- B. Two members shall be appointed for a term of three (3) years; and
- C. Two members shall be appointed for a term of two (2) years.

Their successors shall in all cases be appointed for terms of four (4) years and all appointments to fill vacancies shall be for the unexpired terms.

#### 12-2-7: QUALIFICATIONS FOR COMMISSION MEMBERS:

An appointed member of a commission must have resided in Bonner County for two (2) years prior to appointment and must remain a resident of the county during service on the commission. The appointed member must also be a resident of the City of Dover or must reside in an area of city impact for the City of Dover.

#### 12-2-8: COMPENSATION:

Members of the Planning and Zoning Commission shall receive no compensation for their services as such commissioners.

#### 12-2-9: ORGANIZATION:

The Planning and Zoning Commission shall elect a chairman and create and fill any other office it may deem necessary for the proper conduct of the affairs and business of the commission. Such organization and expenditures for staff shall be in accordance with 67-6504 Idaho Code.

**12-2-10: RULES, RECORDS AND MEETINGS:**

At least one (1) regular meeting shall be held each month for not less than nine (9) months in a year. The record of meetings, hearing, resolutions, studies, findings, permits and actions taken by the Planning and Zoning Commission shall be maintained and all meetings and records shall be open to the public. The majority of voting members of the commission shall constitute a quorum.

**12-2-11: DUTIES:**

It shall be the duty of the Planning and Zoning Commission to work closely with the City Council to:

- A.** Conduct a planning process designed to prepare, implement, review and update the comprehensive plan that includes all lands within the governing boards of jurisdiction;
- B.** Hold public hearings prior to recommending the changes to the comprehensive plan;
- C.** Provide ways and means to obtain citizen participation in the planning process;
- D.** Provides ways and means to obtain citizen participation in the administration of ordinances;
- E.** Prepare procedure for processing zoning permits, namely: special use permits, rezone applications, planned unit development proposals, lot line adjustments, and to hold hearings and make recommendations to council for resolving said proposals;
- F.** Hear all requests for amendment to the zoning ordinance, hold at least one (1) public hearing and make its recommendation to the governing board;
- G.** Review and recommend changes to planning and zoning ordinances and comprehensive plan;
- H.** Complete tasks as assigned by the City Council including but not limited to researching an issue and review and submit findings to the council.

**12-2-12: ESTABLISHMENT OF AREA OF CITY IMPACT, AUTHORITY AND PURPOSE:**

Section 67-6526 of Idaho Code requires that Cities and Counties negotiate an Area of City Impact.

The purpose of establishing an Area of City Impact is to identify a logical fringe area adjoining the City of Dover. The fringe area includes the unincorporated area surrounding Dover that has a potential for development that could affect the provision of public services or the quality of life in Dover, Idaho.

**12-2-13: CONSIDERATION:**

The following factors were considered by the Dover City Council in identifying the Area of City Impact for Dover, Idaho:

- A.** Trade Areas;
- B.** Geographical factors;
- C.** Area that can reasonably be expected to be annexed in the city in the future;
- D.** The Memorandum of Understanding and Settlement Agreement resulting from Bonner County Case No. CV95-01111.

12-2-14: GEOGRAPHIC AREA OF IMPACT:

The officially adopted geographic Area of City Impact for Dover, Idaho is identified by the Area of City Impact Map adopted by the city and recorded at Instrument #720402, records of Bonner County, Idaho, and any subsequent amendments to the map adopted in accord with Idaho Code and this title. The map is available for review at Dover City Hall during regular business hours. All parcels of land lying all or in part within the Area of City Impact shall be subject to provisions of the Dover Area of City Impact Agreement with Bonner County.

12-2-15: GOVERNING COMPREHENSIVE PLAN:

The Comprehensive Plan and subsequent amendments thereof as officially adopted by Bonner County, Idaho shall apply to the unincorporated portions of Bonner County, Idaho, lying within the Dover Area of City Impact.

12-2-16: GOVERNING ZONING AND SUBDIVISION ORDINANCES:

The zoning and subdivision ordinances and subsequent amendments thereto as officially adopted by Bonner County, Idaho, shall apply to the unincorporated portion of Bonner County, Idaho lying within the Dover Area of City Impact.

12-2-17: REVIEW AND COMMENT:

Any request for development, zone change, conditional use permit, variance or subdivision in the unincorporated portion of Bonner County, Idaho, lying within Dover Area of City Impact, shall be referred to the city council of Dover, Idaho, for review and comment. The city council shall have thirty (30) days to consider the request and submit a reply to the Board of County Commissioners, Bonner County, Idaho. If no reply is received by the Board with the thirty (30) day period, processing shall continue under the Board's administration.

12-2-18: ADMINISTRATIVE JURISDICTION:

The administration of plans and ordinances which apply to the Dover Area of City Impact shall be the duty of Bonner County.

Chapter 3  
GENERAL PROCEDURES AND ADMINISTRATION

12-3-1: INTERPRETATION:

In the interpretation and application of the provisions of this title the requirements will be held to be minimum requirements. This title 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.

12-3-2: OTHER CODES, RESOLUTIONS, RULES, AND REGULATIONS:

When this title 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 title shall control. The provisions of this title shall be so interpreted as shown on the official zoning map on file in the city clerk's office, in compliance with this title as adopted and the city of Dover comprehensive plan.

12-3-3: GOVERNING BOARD TO EXERCISE POWERS:

The council shall, as permitted by Idaho Code §67-6503, exercise the powers granted by the Local Land Use Planning Act.

12-3-4: ZONING ADMINISTRATOR:

The mayor may, subject to confirmation by the council, appoint an administrator who has the following duties:

- A. Assist the public in understanding the requirements of this title;
- B. Accept and process applications for permits required by this title;
- C. Arrange for review of building permit applications for compliance with this title and other applicable city codes;
- D. Arrange for professional review of applications if required or necessary;
- E. Arrange for and assist in the conduct of public hearings held by the planning and zoning commission and city council;
- F. Issue certificates of occupancy, based on on-site inspections and supporting data;
- G. Investigate possible violations of this title;
- H. Properly account for all fees collected by the administrator;
- I. Perform all other duties assigned by this title or city council.

12-3-5: ADMINISTRATIVE APPEALS:

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

- A. The appellant shall file a written appeal and supporting materials clearly stating the reasons for the appeal with the administrator within 30 days of a final, written administrative decision.
- B. Upon receipt of the appeal and any applicable fee, the administrator shall place the appeal on the agenda of the next available council meeting, allowing sufficient time for required meeting notice.
- C. The council shall determine whether the decision being appealed is in compliance with this title, and affirm, modify, or overturn that decision accordingly.
- D. The administrator shall notify the appellant in writing of the council's decision.
- E. The council decision shall be final, and any further recourse shall be as provided in Idaho Code, Title 67, Chapter 65.

#### 12-3-6: ASSIGNMENT OF LIABILITY:

No person who acts in good faith and without malice in the performance of duties assigned by this title 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.

#### 12-3-7: 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 title 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.

#### 12-3-8: PROCEDURES FOR ADMINISTRATIVE REVIEWS:

Administrative reviews are authorized for those applications, petitions or requests for review and/or interpretations that do not require a public hearing pursuant to this title or **Idaho's Local Land Use Planning Act**, Title 67, Chapter 65. The following procedures apply for administrative or zoning reviews:

- A. The applicant shall file an application, petition or written request with the city along with any fees as set forth by resolution. The administrator shall have reasonable time to examine it for completeness with the standards of this title or applicable other titles of the City of Dover. If the application, petition or request is determined to be incomplete or lacking information, the administrator shall inform the applicant in writing of additional items or information necessary to complete the request.
- B. After careful review of the completed application, petition or request, the administrator shall set forth the decision in writing, explaining the reasons for the decision; citing the title standards and/or resources used in making the decision. Where required by law, the administrator shall develop findings of fact and conclusions in support of the decision. If the administrator denies the application, the administrator shall also set forth in writing the actions, if any, the applicant could take to obtain approval.
- C. Any decision by the administrator shall be considered final, unless appealed to the city council as set forth at Section 12-3-5 of this title.

#### 12-3-9: ZONING SITE PERMIT:

Prior to the construction, remodel, modification or placement of any structure, the property owner shall make application and obtain a zoning permit from the city.

### 12-3-10: APPLICATION REQUIREMENTS:

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

- A. Name, address and telephone number of applicant;
- B. Present land use;
- C. Present zoning district;
- D. Proposed land use;
- E. Site plan depicting the proposed or existing location of the structure, public rights-of-way and setbacks.
- F. Zoning site permit applications shall be accompanied by an application fee in an amount set by resolution of the city council.

### 12-3-11: ISSUANCE OF A PERMIT:

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

### 12-3-12: PROCEDURES FOR APPLICATIONS REQUIRING PUBLIC HEARINGS:

Applications requiring public hearings, as specified in this title, shall be processed as follows:

- A. All applications shall be submitted with their required fees to the city.
- B. The city shall have a reasonable amount of time to review the application to determine its completeness based on the requirements in this title for each type of application. A reasonable time frame may include up to 30 days.
- C. The city shall inform the applicant in writing if the application is incomplete and specify the items or information necessary to complete the application.
- D. Once the application has been determined to be complete, the city may send copies of the application to public agencies and entities that may be affected by the proposal, including, but not limited to, the health district, fire districts, the city sewer and water departments, private water districts, the school district, transportation agencies and state or federal agencies. The city may stipulate the length of time for response. As a general rule, a time frame may include up to 30 days.
- E. When the agency comment period is complete, the city will forward all public agency comments to the applicant for review. If additional agency information is requested, the city may request the applicant to provide adequate evidence that the proposal meets the standards of this title or the city may list the application as incomplete at the agency level, pending the receipt of the additional information.

- F. Upon completion of the public agency review, the city will schedule the application to the next available public hearing before the governing body authorized to consider the application, as provided in this title, allowing sufficient time for public hearing notice.
- G. The governing body may consider related permits concurrently at a single public hearing for the convenience of the applicant and the public.
- H. When the governing body has made a final decision on an application, the city shall provide written notice to applicants of the final decision pursuant to Idaho Code §67-6535 or subsequent amendments thereof.

**12-3-13: PUBLIC HEARINGS:**

All planning and zoning applications requiring public hearings shall be subject to the requirements of the Local Land Use Planning Act, Idaho Code, title 67, chapter 65, this title, and the adopted city public hearing procedures resolution.

**12-3-14 APPLICATIONS REQUIRING PUBLIC HEARINGS:**

The following applications are subject to public hearings before the planning and zoning commission and city council. The planning and zoning commission shall make a recommendation to the city council following its public hearing. After conducting a public hearing and considering the planning and zoning commission recommendation, the city council shall make the final decision.

- A. Comprehensive Plan text and map amendments.
- B. Zone text and map amendments.
- C. Special use permits.
- D. Variances.

**12-3-15: NOTICE:**

All public hearings under this title shall be noticed in compliance with Title 67, Chapter 65 of the Idaho Code.

- A. 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.
- B. The applicant shall bear the cost of publication of the notice and mailing. The applicant shall supply an ownership report prepared by a title company, licensed in the state of Idaho, of all property owners within 300 feet of the subject property boundary, according to the county tax roll. The city shall prepare and send by mail the public hearing notice.

**12-3-16: MAKING DECISIONS:**

Whenever an application is subject to a public hearing, as specified in this title, the planning and zoning commission and city council shall specify the relevant facts considered in evaluating the application, the reasons for approval or denial, and the actions, if any, the application could take to obtain approval.

- A. The planning and zoning commission may make one of the following recommendations to the city council after its public hearing:

1. Approval;
2. Conditional approval, as authorized by this title and Idaho Code;
3. Denial of application, as presented; or
4. Remand to the applicant for additional information.

**B.** Upon receipt of the recommendation from the planning and zoning commission, the city council shall conduct its own public hearing and may:

1. Approve;
2. Conditionally approve, as authorized by this title and Idaho Code;
3. Deny application, as presented;
4. Remand to the applicant for additional information and subsequent public hearing;
5. Continue the public hearing to a specified date and time for further deliberations.

**C.** The city council decision shall be final, and any recourse shall be as provided in Idaho Code, Title 67, Chapter 65.

#### 12-3-17: MODIFICATION OF TERMS AND CONDITIONS OF PERMIT APPROVAL:

The terms and conditions of the approval of any permit authorized or required in this title may be modified only by the administrator, commission and/or council as established in this section. This section applies to modifications of approved permits, including, but not limited to zoning permits, special use permits, variances, preliminary plats, final plats, lot line adjustments, and planned unit developments.

#### 12-3-18: APPLICATION:

An application to modify the terms and/or conditions of approval shall be filed with the city and shall be accompanied by the required fee specified in the resolution adopted by the city. The application shall be processed as follows:

- A.** The administrator, commission, or council shall consider the proposed modification in accordance with the procedures and standards of the original permit and shall confine the review to the proposed modification.
- B.** Review and action on the modification shall be made by the same governing body authorized to make the final decision on the original permit.
- C.** The administrator, commission, or council shall consider the proposed modification in accordance with the requirements for the original permit application and shall confine the review to the proposed modification.

- D. The administrator, commission or council shall render a decision in writing on the proposed modification pursuant to the applicable section 12-3-8 or 12-3-16 of this title, after consideration of the proposal. The decision shall conform to the procedures, standards and requirements pertaining to the original permit.

## Chapter 4 ZONING MAP

### 12-4-1: ZONES:

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 title.

### 12-4-2: OFFICIAL ZONING MAP:

Regardless of the existence of purported copies of the official zoning district map that 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.

### 12-4-3: MAP CHANGES:

- A. If, in accordance with the provisions of this title, 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.
- B. 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 title. Any unauthorized changes of whatever kind by any person or persons shall be considered a violation of this title.

### 12-4-4: 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.

## Chapter 5 ZONING DISTRICTS

### 12-5-1: ZONING DISTRICTS:

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

- A. RESIDENTIAL ZONE (R): The purpose of the residential district is to allow moderately higher densities lots where residential pursuits can be achieved. Minimum parcel sizes should include 12,000 square foot lot sizes and provide for single-family and multi-family affordability. The residential district is where limited commercial opportunities are available and where the city desires to have adequate streets and public spaces to serve the residents who live within this district. City services to this zone should include both city water and sewer and paved city streets. Planned unit developments, while encouraged, should be reviewed carefully for appropriate combinations of lot sizes, uses and existing or expansion of city services. Lands appropriate for the residential zone district should include property classified on the future land use map as Residential, Suburban or Rural Residential.
- B. SUBURBAN ZONE (S): Generally speaking, the purpose of this zone is to provide for similar residential pursuits as the Residential District, but with lower levels of density, 1-acre minimums. Opportunities for residential and duplex households are afforded to this district, but higher density residential uses such as apartments and multi-family units should consider districts such as Residential. This zone may be served by either city water or sewer or by other sources, such as private or independent water and sewer systems. However, it is encouraged that the city eventually provide city sewer to all lands within this district. The lands zoned for Suburban are described as being classified as Suburban or Rural Residential on the **city's future land use map**.
- C. RURAL RESIDENTIAL ZONE (RR): This zone district is established to provide for residential pursuits combined with rural pursuits. The keeping of livestock and animal husbandry are promoted in this district, so long as they are done adequately so as not to interfere with adjoining properties. Due to the nature of different rural and residential pursuits, this district establishes larger lot or parcel sizes in order to provide separation of uses on individual properties. Residents are encouraged to connect to city services, if available. However, with proper approval from respective agencies development on lands zoned Rural Residential may seek connections to individual systems to serve immediate or surrounding land uses. Properties zoned Rural Residential can be described as being 3-acres or larger, and classified on the future land use map as being designated Rural or Agriculture.
- D. AGRICULTURE ZONE (A): The Agriculture District is established to allow for rural, agricultural and residential pursuits to intermix with adequate separation encouraged. Thus, this district provides for the largest minimum lot size at 6-acres. Resource or agricultural based uses are encouraged provided adequate property is provided. Residents are encouraged to connect to city services, if available. However, with proper approval from respective agencies, development on lands zoned Agriculture may seek connections to individual systems to serve immediate or surrounding land uses. Lands appropriate for the Agricultural zone district will be properties that already have active farms or animal husbandry occurring on site and are adequately sized. Generally, these lands are classified on the future land use map as Agriculture.
- E. COMMERCIAL ZONE (C): The Commercial District is 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.

Planned unit developments should be encouraged in this district to provide for the greatest flexibility of design, street layout and public and private amenities. Development and design standards for specific uses should be considered for lands zoned commercial and should include all urban services. Adequate existing transportation systems and existing urban services should be considered when rezoning lands to commercial. Lands that do not require extension or expansion of streets, sewer or water services should be considered first for development before rezoning lands to commercial. Lands appropriate for the commercial district should include property classified on the future land use map as commercial or residential.

#### 12-5-2: RESTRICTIONS:

No building or premises shall be used, nor shall any building or structure hereafter be erected or altered, unless otherwise provided in this title, except for uses or special uses in accordance with the standards set out in the applicable tables and development standards as incorporated herein as part of this title.

#### 12-5-3: STANDARDS BY ZONE:

Unless otherwise permitted, those uses not specifically provided for shall be prohibited.

#### 12-5-4: USE TABLES BY ZONE DISTRICT:

The following use tables list various land use classifications and zoning districts. The tables are to be interpreted as follows:

- A. P= Authorized; S= Specially Permitted; [vacant] = Prohibited use
- B. New and Unlisted uses shall follow the requirements listed in 12-6-2 of this title.
- C. Uses are subject to all applicable standards of this Title and of Dover City Code. In addition, any notes as provided for within the tables are in addition to those standards listed within this title and any other applicable code sections of Dover City Code.

12-5-5: RESIDENTIAL USE TABLE:

P= Authorized; S= Specially Permitted; [vacant] = Prohibited use.

Use	Residential	Suburban	Rural Residential	Agriculture	Commercial
Accessory Structures	P	P	P	P	P
Accessory Dwelling Unit	P(1)	P(1)(6)	P(1)(6)	P(1)(6)	S(1)
Apartment Buildings/ Condominiums/Multi-family	S(4)(5)	S(2)			S(4)(5) (9)
Churches and non-profit community halls	S	S	S	S	P
Duplex	P(4)(5)	P(2)(4)	P(2)(4)	P(3)	P(5)(9)
In-home Daycare	P(7)	P(7)	P(7)	P(7)	P(7)
Keeping of livestock	P(8)	P(8)	P(8)	P(8)	P(8)
Single-Family Dwelling	P(2)(4)	P(2)(4)	P(2)(4)	P(3)	P(9)

Notes: All uses shown above shall be required to follow any standards listed within this title and any of the following as specifically enumerated in the above table.

1. Subject to specific standards found at section 12-7-3 of this title.
2. One (1) dwelling unit shall be allowed per lot or parcel pursuant to the definition listed at Appendix D (definitions) of this title, up to a maximum of two (2) dwelling units are permitted, provided an overall density of one unit per 3-acres is provided.
3. One (1) dwelling unit shall be allowed per lot or parcel pursuant to the definition listed at Appendix D of this title, up to a maximum of two (2) dwelling units are permitted, provided an overall density of one unit per 6-acres is provided.
4. Shall not exceed an overall lot coverage of 35%.
5. Overall density shall not exceed one unit per 12,000 square feet of overall lot or parcel area. Lands that are submerged or inundated with water for portion or portions of the year shall not be included in the overall acreage amount.
6. An accessory dwelling unit may be detached, provided all the other standards of section 12-7-3 of this title are adhered to.
7. Shall not exceed a total maximum number of six (6) children under the age of 12 other than those who reside in the home. Shall also follow any standards of a home occupation listed at section 12-7-2 of this title, Home Occupations.
8. The keeping of one large animal (horse, llama, sheep, cow or goat including offspring until weaned) for each 20,000 square feet of parcel or lot area is permitted in all zones.
9. Residential buildings are encouraged to have retail or commercial activity on the first floor and contain living space on the next floor(s).

12-5-6: PUBLIC USE TABLE:

P= Authorized; S= Specially Permitted; [vacant] = Prohibited use.

Public Use Table	Residential	Suburban	Rural Residential	Agriculture	Commercial
Public Information/Kiosk Centers	P	P	P	P	P
Municipal Parks/Public Recreation Facilities	P	P	P	P	P
Museums	S	S	S	S	S
Schools, public or private	S	S	S	S	S
Structures, facilities, yard activities and other infrastructure necessary to provide public or private utilities	P	P	P	P	P

Notes

All uses shown above shall be required to follow any standards listed within this title and specifically any of the following as enumerated in the above table:

[Reserved]

12-5-7: COMMERCIAL USE TABLE:

P= Authorized; S= Specially Permitted; [vacant] = Prohibited use.

Use	Residential	Suburban	Rural Residential	Agriculture	Commercial
Daycare Centers	S	S	S	S	S
Equipment service & repair business					S
Hotels, motels & motor inns					S
Home Occupations: Tier I	P(3)	P(3)	P(3)	P(3)	P(3)
Home Occupations: Tier II	S(3)	S(3)	S(3)	S(3)	P(3)
Light manufacturing, processing & fabrication					S(1)(2)
Private Parks/Recreation Facilities	S	S	S	S	S
Professional offices	S	S	S	S	S
Radio, TV or broadcast stations facilities					S
Residential Lodging	S	S	S	S	S
Retail, service, or repair business, including eating and drinking establishments					S
Warehouse/Mini-storage					S
Veterinary Hospitals, clinics					S

Notes

All uses shown above shall be required to follow any standards listed within this title and specifically any of the following as enumerated in the commercial use table.

1. Minor changes in occupancy in commercial buildings shall be allowed provided the change does not result in the expansion of building or creation of new or expanded outdoor sales, work or storage area.
2. All manufacturing activities shall be contained indoors. Manufacturing activities shall not include mining extractions or operations.
3. Home occupations are subject to the specific standards of section 12-7-2 of this title.

Chapter 6  
STANDARDS OF ALL ZONE DISTRICTS

12-6-1: MINIMUM REGULATIONS OF ALL DISTRICTS:

- A.** The purpose of this chapter is to set forth general development standards for all districts in order to carry out the goals and objectives of the adopted comprehensive plan.
- B.** The following regulations set by this title within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land use:
  - 1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, placed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the zone in which it is located;
  - 2. 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;
  - 3. Any use not explicitly permitted in a zoning district is prohibited;
  - 4. 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.

12-6-2: NEW AND UNLISTED USES; PROCEDURE FOR DETERMINATION:

It is recognized that new or unanticipated types of land use will be proposed, 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.** An applicant may seek the opinion of the administrator concerning any new or unlisted use. The request 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 administrator shall review the use consistent with the administrative procedures listed at 12-3-8 of this title, and shall consider the nature and performance of the proposed use and its compatibility with the uses permitted in the various districts and determine whether the use is permitted, specially permitted or prohibited based on existing established uses. The Standard Industrial Classification Manual or North American Industry Classification System, as amended, modified, or superseded, may be consulted to determine whether the new use is similarly classified.

### 12-6-3: NONCONFORMING USES:

Within the district or zone established by this title 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 title was passed or amended, but which would be prohibited, regulated or restricted under the terms of this title or future amendment. The purpose of this section is to permit these nonconformities to continue until they are removed or brought into conformance with this title.

### 12-6-4: EXPANSION OF NONCONFORMITY:

It is further the purpose of this title 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, unless it is to bring the non-conformity into compliance with this title.

### 12-6-5: UNDUE HARDSHIP:

To avoid undue hardship, nothing in this title 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 title 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.

### 12-6-6: REPAIRS, MAINTENANCE AND CONTINUED USE:

- 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 the applicable special use permit or variance 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.
- C.** If a non-conforming use is discontinued for a period of one (1) year or longer, the city may request in writing that the landowner provide a written statement detailing the intended further use of the property. The written statement shall be provided within 28 days of the city request. Discontinued use of the property is subject to the provisions of Idaho Code §67-6538 and subsequent amendments thereto.

12-6-7: STANDARDS BY ZONE DISTRICT:

Table A: Zone District Standards

Standard by Zone	Residential	Suburban	Rural Residential	Agriculture	Commercial
Minimum Lot Size	12,000 sq. ft.	1 Acre	3 Acres	6 Acres	12,000 sq. ft.
Setback: Front Yard	25	25	25	25	10 (1)(2)
Setback: Side Yard	10	10	10	20	10
Setback: Flanking Street	25	25	25	25	25 (1)
Setback: Rear Yard	25	25	25	25	25 (1) (2)
Setback: Bodies of Water	40(4)	40(4)	40(4)	40(4)	40(4)
Maximum Lot Coverage	50%	50%	50%	50%	50%(3)
Maximum Building Height	30	30	30	30	30

Notes: In addition to the dimensions required above, the following shall also be adhered to, where noted. Setbacks and building heights shall be measured in feet.

1. Where the building abuts a sidewalk along the full length of the lot or parcel, a 0-foot setback may be administratively approved, pursuant to the procedures set forth at section 12-3-8 of this title.
2. Where it can be demonstrated by the applicant or landowner that the building has multiple fronts, the point of access shall be considered the front yard.
3. Where the applicant or landowner has demonstrated that adequate measures have been taken to treat stormwater leaving the site, pursuant to this title or the laws of the City of Dover, the site may incur a building lot coverage of up to 80%.
4. Distance shall be measured from the ordinary or artificial water mark, as defined, of the body of water. All applicable bodies of water or streams shall be those identified on the United States Geological Survey (USGS) maps.

12-6-8: ACCESS TO PUBLIC STREETS:

- A. 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.
- B. 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.

12-6-9: EASEMENTS:

No structure shall be placed in any utility easement, public or private, with the exception that wire or rail fences, or solid wood fences with a separable section across the easement may be constructed across utility easements, as well as any public utility buildings required to be located within the easement.

12-6-10: NUISANCES:

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

- A.** No activity shall create excessive levels of noise or vibration beyond its property line.
- B.** 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.
- C.** No activity shall create electrical interference that adversely affects other uses.
- D.** 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.
- E.** All solid waste shall be stored in enclosures or containers and shall not:
  - 1. Attract rodents, bear or other vermin, or be susceptible to spillage by dogs, cats or other animals;
  - 2. Generate odors beyond the property line or liquid runoff; or
  - 3. Permit blowing of paper and other lightweight waste.
- F.** 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.

**12-6-11: OFF-STREET PARKING AND LOADING:**

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

**12-6-12: RIVER CORRIDOR DEVELOPMENT:**

The River Corridor is defined as being within 300 feet of the Pend Oreille River or within any mapped flood hazard area. It is the intent of the city to identify these lands because they represent unique opportunities for beneficial development. These lands are also uniquely vulnerable to development that may damage water quality, wildlife habitat, and scenic values. Due to these vulnerabilities, the landowner shall demonstrate that any development proposed in the River Corridor will not cause significant loss of water quality, wetlands, wildlife and fisheries and their habitats, or scenic values. Proposed development shall not foreclose any significant optional development patterns for the River Corridor that may be considered in the comprehensive plan.

**12-6-13: VISIBILITY AT INTERSECTIONS AND DRIVEWAYS:**

A clear vision triangle in conformance with Appendix C shall be maintained at all intersections and points of access to a public street.

- A.** No solid fence or wall, planter, hedge, shrub, or other visual obstruction more than three (3) feet in height above grade shall be permitted in a clear vision triangle.
- B.** No parking shall be permitted in a clear vision triangle.
- C.** Trees shall be permitted in clear vision triangles, but only if all branches are removed to a height of at least seven (7) feet above grade.

#### 12-6-14: WETLANDS:

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

#### 12-6-15: YARDS AND BUILDING HEIGHT:

The yards created by required setbacks shall remain unenclosed, except as permitted below or elsewhere within this title.

- A. Eaves, rain gutters, bay windows, and similar above-grade extensions may extend no more than three (3) feet into a required yard.
- B. Accessory buildings of 200 square feet or less shall be permitted in required rear yards where a setback of ten (10) 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.
- C. 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.
- D. No fence shall exceed six (6) feet 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 title provisions, such as maintaining clear vision at intersections as provided in section 12-6-13, which may affect placement and height.
- E. Maximum Building Height: The maximum building height is set forth at section 12-6-7. Building height is defined at Appendix D of this title. 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 an Idaho licensed surveyor, or engineer qualified to establish elevations, and be submitted with building permit application materials. 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.

#### 12-6-16: SEWER AND WATER SERVICES:

All development shall provide evidence of adequate city sewer and water services, or approved alternative systems if city services are not available.

#### 12-6-17: STANDARDS FOR LARGE SCALE DEVELOPMENT:

- A. Large scale developments shall provide additional public facilities necessitated by their development. Such facilities shall be provided in compliance with all requirements of this title 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 (2) acres per thousand population.
- B. 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:

1. The administrator shall determine whether a proposed development is a large scale development as defined;
2. 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
3. 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;
4. 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 title. 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;
5. An application shall be considered complete and a hearing conducted only after completion of the large scale development study.

#### 12-6-18: CONTINUING MAINTENANCE OF IMPROVEMENTS REQUIRED:

The continuing maintenance of any improvement required for compliance with any performance standard of this title shall be required. This provision applies to:

- A.** Improvements required for the mitigation of potential nuisances;
- B.** Private streets, off-street parking and loading areas;
- C.** Improvements required for the on-site retention of storm or melt water runoff or for runoff or erosion control;
- D.** Landscaped areas, including required buffers. The maintenance of landscaped areas includes irrigation, maintenance of the irrigation system, and weed and pest control; and
- E.** Any other improvement required for compliance with this title.

#### 12-6-19: 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 of incorporation, application for a permit, and shall provide evidence that these documents have been recorded before a certificate of occupancy is issued.

#### 12-6-20: FAILURE TO MAINTAIN:

Failure to maintain any required improvement shall be a violation of this title

## Chapter 7 STANDARDS FOR SPECIFIC USES

### 12-7-1: PURPOSE:

The purpose of this chapter is to establish basic development standards consistent with the goals and policies of the comprehensive plan and to set specific conditions for various uses or areas where problems are frequently encountered within the city. The regulations set forth are adopted to serve, protect and promote the public health, safety and welfare and to preserve and enhance the aesthetics qualities of the city, while allowing for the orderly and efficient development of property in accordance with all state and federal regulations.

### 12-7-2: HOME OCCUPATIONS:

The purpose of the home occupation standards is to define, design and set minimum requirements for home occupations in the residential districts in order to protect and maintain the character of the residential neighborhoods in Dover.

#### A. Standards for all Home Occupations

1. 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 to.
2. All home occupations shall be registered as a business or as otherwise required by city titles.
3. All signage proposed shall be wholly contained within the boundaries of the property and shall not extend or project into any public rights-of-way or public easements.
4. All signage shall not be illuminated or internally lit.
5. 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.

#### B. Prohibited Activities: The following activities and/or similar activities are prohibited home occupations:

1. Mechanic or automobile repair shop;
2. Industrial manufacturing of goods or products;
3. Any other activity that is specifically provided for within the zone district.

#### C. Tier 1 Home Occupations:

1. Home Occupation Tier 1 – All Tier 1 Home Occupations shall be processed consistent with the administrative review processes as established at section 12-3-8 of this title. All Tier 1 requests shall be in compliance with the requirements of this section and the following:
  - a. No person other than those residing on the premises shall be engaged in such occupation;

- b. Use is clearly incidental and secondary to the use of the property for dwelling purposes;
- c. There shall be no alteration, structural or otherwise, in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign affixed to the structure, not exceeding twelve (12) square feet in area. No free standing signs are allowed;
- d. There shall be no commercial on-premise sales in connection with such home occupation, nor shall there be any commercial or manufacturing uses specifically provided for in other parts of this title;
- e. Vehicular traffic generated by such home occupation shall not significantly exceed the traffic attributable to a normal dwelling unit (generally no more than 10 vehicle trips per day on average);
- f. Manufacturing shall be limited to the small scale assembly of already manufactured parts, but does not preclude production of small, individually handcrafted items, furniture or other wood items as long as the activity meets the other standards of this section;
- g. Storage of items in relation to the home occupation shall not occur in a manner that would cause it to be seen from any public right-of-way, including public bodies of water. All storage related to the home occupation shall be stored completely indoors.

**D. Tier 2 Home Occupations:**

- 1. Tier 2 Home Occupations shall be allowed only by special use permit. Reasonable conditions limiting hours of operations, traffic generated and activities associated with the proposed home occupation may be considered by the city;
- 2. A Tier 2 Home Occupations shall be carried out by those residing in the dwelling and up to two (2) additional employees;
- 3. Limited activities and outside storage of materials and/or equipment are permitted, provided the site is sufficiently screened from the street and surrounding properties as determined by the city, or all items are stored entirely within a building;
- 4. Vehicular traffic generated by such home occupation may exceed ten (10) vehicle trips per day on average as established by condition of the special use permit, provided the applicant can demonstrate that the traffic will not constitute a nuisance with the surrounding residential neighborhoods;
- 5. Signage shall be limited to one free standing sign and one affixed sign not exceeding a total combined square footage of 24 square feet. Free standing signs shall not exceed eight (8) feet in height, measured from existing grade.
- 6. An application for a Tier 2 Home Occupation shall include a statement indicating how the proposed activity is compatible with and will not change the character of the neighborhood and how the activity will address such elements as noise, light/glare, traffic, dust, storage and any other activity the city deems necessary to properly assess the impacts on neighboring property owners.

**E. Procedures for processing home occupation requests:**

1. Tier 1 Procedures: Any applicant seeking approval of a Tier 1 Home Occupation shall make application for such request on a form provided by the city. The administrator shall review the application for consistency with the standards of this section and shall follow those administrative procedures as established at section 12-3-8, Procedures for Administrative Reviews.
2. Tier 2 Procedures: Any applicant seeking approval of a Tier 2 Home Occupation shall submit, where applicable, an application for a special use permit on a form provided by the city. Staff shall evaluate the proposal consistent with the procedures of section 12-3-12 of this title and those requirements as set forth in Chapter 10 of this title.

### 12-7-3: ACCESSORY DWELLING UNITS:

- A.** Purpose: The allowance for accessory dwelling units is to promote infill housing in close proximity to existing infrastructure and services, including public transportation, parks, employment centers, and other public areas and to conserve land, house more people within the city limits, and prevent sprawl.
- B.** Standards for all Accessory Dwelling Units (ADUs): Where allowed in the city, any request for an accessory dwelling unit shall comply with the following standards:
  1. An ADU has provided for permanent provisions for living, sleeping, eating, cooking and sanitation;
  2. An ADU may either be attached, having any portion of one or more walls in common with the principal dwelling, or be interior, located entirely within the walls of the principal dwelling, or be located on the same lot or parcel of the main dwelling unit;
  3. Accessory dwelling units shall be no larger than 40% of the habitable living space of the primary residence or no more than 1,000 square feet, whichever is less;
  4. Bedrooms for ADUs shall be limited to no more than two (2);
  5. An ADU shall not be used for transient living accommodations, and shall not be rented for a period of less than 30 days;
  6. All ADUs shall be subject to the zoning standards as provided within this title;
  7. No more than one ADU shall be located on an individual lot or parcels. For ownerships that span several lots, the combined ownership shall be considered when calculating density;
  8. Either the principal residence or the ADU shall be occupied by the owner of the property on which they are located;
  9. The ADU shall be consistent in design with the principal residence, including roof pitch, siding, color, materials, and windows;
  10. The ADU may have a separate exterior entrance or an entrance to an internal common area accessible to the outside, which shall be located to the side or rear of the principal residence;
  11. One additional off-street parking space, in addition to a minimum of two spaces for an existing residence, shall be provided.

C. Procedures for processing Accessory Dwelling Unit requests: Building and zoning permits shall be required for all Accessory Dwelling Units and shall be processed in accordance with 12-3-8, Procedures for Administrative Reviews. Once approved by the city, **it is the landowner's responsibility** to ensure that the ADU remains compliant with the standards of the city and that the ADU is operated in a manner in accordance with all other provisions of this chapter. At a minimum a permit application shall include:

1. The name of landowner and property location;
2. Address and phone number for contact person;
3. Design drawings showing how the ADU will meet the provisions of section 12-7-3B, which shall include the location on the lot or parcel, setbacks from property lines, proposed landscaped areas, and lot coverage;
4. Written notification from the respective agency or department that the existing utilities are adequate to accommodate the future ADU, or utility plans indicating how the site will handle the future use;
5. An agreement signed by the landowners that they shall adhere to the city codes regulating the use of ADUs as an owner-occupied property;
6. Any applicable fee as established by the city;

D. Standards ADU Approval: Permit application shall be approved by the city if all of the following standards have been met:

1. The ADU, as proposed, meets all applicable requirements of this chapter;
2. The ADU, as proposed, meets all applicable requirements of the city's adopted building and applicable electrical codes;
3. The ADU, as proposed, does not violate any other applicable chapters or standards of the city, state and federal government.

## Chapter 8 VARIANCES

### 12-8-1: PURPOSE AND GENERAL PROVISIONS:

The city council may authorize in specific cases such variance from the terms of this title as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship because of the physical characteristics of the site. 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 title would result in unnecessary hardship not created by the property owner. Variances can be granted for a modification of the requirements of this title as to the lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other title provisions affecting the size or shape of a structure or the placement of the structure upon lots.

### 12-8-2: APPLICATION CONTENTS:

A variance from the terms of this title shall be processed in accordance with section 12-3-12 of this title. An application for variance shall include, but is not limited to the following items:

- A.** Name, address and telephone number of applicant(s);
- B.** Legal description of the property;
- C.** Description of nature of variance requested, including a narrative explaining how:
  - 1. Special conditions and circumstances exist that are peculiar to the land, are not applicable to other lands, structures or buildings in the same district;
  - 2. A literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;
  - 3. Special conditions and circumstances do not result from actions of the applicant; and
  - 4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district;
- D.** A site plan/plot plan, drawn to a readable scale, containing and showing the following information:
  - 1. Dimensions of all property under review;
  - 2. Location of the present building on the subject property (applicants') with the dimensions of the front, side and rear yards;
  - 3. Dimensions of all other buildings or structures on subject property;
  - 4. Location of any proposed building or structures on the proposed extension, expansion or relocation of a building or structure on the property;
  - 5. Location of the buildings on adjacent lots, giving the depth of the front, rear and side yards showing all dimensions;

6. The existing use of each building or structure and the proposed use of the existing or new building;
7. The name and location of all streets and alleys;
8. The location and arrangement of all parking facilities;
9. A landscaping plan, showing how the project will be landscaped, placement of trees, shrubs, lawns, and other ground cover;
10. Location of fencing, garages, driveways, sidewalks, water lines, sewer lines and other utility improvements.

#### 12-8-3: STANDARDS FOR VARIANCE REVIEW:

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 all of the following conclusions:

- A.** Special conditions and circumstances exist that are peculiar to the land, structures, or buildings in the same district;
- B.** A literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;
- C.** Special conditions and circumstances do not result from actions of the applicant;
- D.** Granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district; and
- E.** Granting the variance is not in conflict with the public interest.

#### 12-8-4: 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 title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district. In granting any variance, the city council may prescribe appropriate conditions and safeguards in conformity with this title. 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 title.

#### 12-8-5: ADMINISTRATION OF VARIANCES:

An application for variance shall proceed consistent with the public hearing, noticing, and decision-making procedures, as set forth in chapter 3 of this title.

#### 12-8-6: NOTIFICATION TO APPLICANT, EXPIRATION:

The administrator shall provide the applicant with written notice of the action on the request pursuant to section 12-3-12 of this title. The variance shall be valid for two (2) years from the date of the written decision unless an extension, not to exceed two (2) years, is granted by the city council prior to the expiration of the variance. Unless approved application conditions are completed within said time frame, application approval shall expire.

## Chapter 9 ZONING AND COMPREHENSIVE PLAN AMENDMENTS

### 12-9-1: AMENDMENTS TO TEXT AND MAPS:

Whenever the public necessity, convenience, and general welfare or good zoning practices require, the city council may amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property established by the adopted zoning regulations, official zoning map, comprehensive plan, or land use map. Procedures for consideration of text or map amendments shall be as provided by Idaho Code and the provisions of chapter 3 of this title. Amendments to the zoning map and regulations shall be by ordinance and amendments to the comprehensive plan map and text shall be by resolution.

### 12-9-2: INITIATION OF AMENDMENTS:

Amendments to zoning regulations, comprehensive plan text, zoning maps, or land use maps may be initiated by the council, planning and zoning commission, or by any citizen, landowner, or taxpayer of the City of Dover by filing an application with the administrator. Advertisement and notice costs shall be paid by the applicant, as set forth in the city fee schedule.

### 12-9-3: APPLICATIONS:

Applications for map or text amendments shall be filed with the administrator on forms provided by the city. The application shall contain at least the following:

- A. The reasons for the proposed amendment;
- B. For map amendments, a legal description, vicinity map (drawn to a readable scale) showing property lines, thoroughfares, current zoning, lineal feet measurements for all parcels of land within three hundred feet (300') of the subject property, excluding streets and alleys;
- C. A statement on how the proposed amendment relates to the comprehensive plan, availability of public facilities and compatibility with the surrounding area.

### 12-9-4: AMENDMENT PROCEDURES AND STANDARDS:

Amendments to the map or text of the zoning regulations or comprehensive plan shall be made in the following manner:

- A. Requests shall be submitted to the administrator and shall be processed in accordance with the procedures set forth at 12-3-12 of this title. The planning and zoning commission and city council shall evaluate the request in accord with section 12-3-16 of this title.
- B. If the request is in accordance with the general and specific goals and objectives of the adopted comprehensive plan, the city council may adopt the ordinance amendment or comprehensive plan resolution under the notice and hearing procedures as set forth at 67-6509 and 67-6511, Idaho Code.
- C. If a zoning map request is found by the city council to be in conflict with the adopted comprehensive plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, the council may require the request to be submitted to the planning commission for consideration of an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been

amended, the request may then be considered for amendment pursuant to the provisions of this title and Idaho Code.

- D. Upon approval of a map amendment, the official zoning district map shall be amended pursuant to section 12-4-3 of this title. Approved zoning amendments shall thereafter be made a part of this title, following the preparation, passage, and publication of an ordinance. Approved comprehensive plan amendments shall become a part of the Dover Comprehensive Plan, upon approval of a resolution by the city council.

## Chapter 10 SPECIAL USE PERMITS

### 12-10-1: PURPOSE:

The special use permit procedure is intended to provide uses that may be specially permitted under this title, 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.

### 12-10-2: APPLICATION FOR SPECIAL USE PERMIT:

An application shall be filed with the administrator by at least one owner or lessee of property for which such special use is proposed. Special uses are subject to the standards of chapter 6, applicable specific standards of chapter 7 and buffering standards of Appendix B of this title. Applications for special use permits shall be processed in accordance with the standards of 12-3-12 of this title. Applications shall be submitted to the administrator on forms provided by the city, and shall include the following:

- A.** A site plan, 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 city may require to determine if the proposed special use meets with the intent and requirements of this title;
- B.** Conceptual elevation drawings of proposed structures;
- C.** An ownership report, as required by section 12-3-15B of this title.
- D.** A narrative statement addressing:
  - 1. The effects of the use on adjoining property;
  - 2. The effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property;
  - 3. The general compatibility with adjacent and other properties in the district;
  - 4. Traffic impacts to the surrounding area;
  - 5. The relationship of the proposed use to the comprehensive plan.

### 12-10-3: GENERAL STANDARDS FOR APPROVAL:

In addition to development standards contained within this title, 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 constitute a special use as established in this title 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 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 that are so designed as to not create interference with traffic and surrounding public thoroughfares.

#### 12-10-4: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

In granting any special use, the city council may prescribe appropriate conditions, bonds, and safeguards in conformity with this title. 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 title. In addition, the city council may also set conditions to:

- A. Minimize adverse impact on other development;
- B. Control the sequence and timing of development;
- C. Control the duration of development;
- D. Assure that development is maintained properly;
- E. Designate the exact location and nature of development;
- F. Require the provision for on-site or off-site public facilities or services;
- G. Require more restrictive standards than those generally required in an ordinance;
- H. Require mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

#### 12-10-5: STANDARDS APPLICABLE TO SPECIAL USES:

In addition to the standards for all zone districts provided at chapter 6 of this title, the following shall also be applicable to special uses in the city:

- 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 of this title.
- B. Street 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 (8%) 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 drainage ways 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.
- 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 travel ways.
- 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.

**12-10-6: PUBLIC HEARING ADMINISTRATION OF SPECIAL USE PERMITS:**

An application for a special use permit shall proceed consistent with the public hearing, noticing, and decision-making procedures, as set forth in chapter 3 of this title.

**12-10-7: NOTIFICATION TO APPLICANT, EXPIRATION:**

The administrator shall provide the applicant with written notice of the action on the request pursuant to section 12-3-12 of this title. The special use permit shall be valid for two (2) years from the date of the written decision unless an extension, not to exceed two (2) years, is granted by the city council prior to the expiration of the special use permit. Unless approved application conditions are completed within said time frame, application approval shall expire.

**12-10-8: ISSUANCE AND CONTINUATION OF A SPECIAL USE PERMIT:**

- A.** A special use permit shall not be considered valid until issued by the city. If the application is approved or approved with modifications or conditions, the administrator shall issue a special use permit once the city has determined that all conditions pertaining to the setup and operations of the use have been met to the satisfaction of the city.
- B.** A special use permit shall run with the land and may be transferable to a future property owner, provided the use remains in compliance with the permit and conditions it is bound by.

**12-10-9: MODIFICATIONS AND REVOCATIONS:**

- A.** Modification to a special use shall be filed and processed in accord with sections 12-3-17 and 12-3-18 of this title.
- B.** Revocation: 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 and may be subject to revocation of the permit.
- C.** The administrator may present to the council a recommendation to revoke a special use permit upon finding of substantial evidence that the permit is not in compliance with the terms, conditions or restrictions of the use permit. Prior to revoking a permit, the council shall conduct a public hearing, in accord with the noticing and procedures set forth by section 12-3-13 of this title.

- D. The city council may revoke the permit or impose additional conditions or restrictions to bring the permit into compliance, upon a finding that there is substantial evidence that the terms of the permit approval have been violated.

## Chapter 11 SIGNS

### 12-11-1: PURPOSE AND INTENT:

Signage is a significant design element, affecting the visual quality and therefore the viability of activity and quality of life of residents and visitors within city limits. Signs not only enhance and define architecture, but support the intended function of the business being advertised and/or convey other important information. Because they are publicly viewed, signs can either add or detract from the community character. Therefore, the purpose of this chapter is:

- A. To provide reasonable guidelines and restriction on signage types to enhance and protect the physical appearance of the community;
- B. To ensure standards are in place that will reduce hazards caused by placement or erecting of signs;
- C. To reduce sign or advertising distractions and obstructions that may contribute to traffic accidents or distracted driving;
- D. To curb the deterioration of the natural environment and to enhance community development.

### 12-11-2: DEFINITIONS:

The following definitions are subject to administration within this chapter and within this title.

**ANIMATED SIGN:** A sign depicting action, motion, light or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.

**AWNINGS:** Fabric shelters supported by a rigid framework attached to a building.

**CONSTRUCTION SIGN:** A nonpermanent sign identifying the planned use of the building and/or persons, firms or business directly connected with a construction project.

**DEVELOPMENT SIGN:** A temporary construction sign denoting the architect, engineer, contractor, subcontractor, financier or sponsor of a residential or commercial development that may also be designated the future occupant or use of the development.

**ELECTRONIC MESSAGE BOARD:** Includes those displaying time and temperature and also refers to digital or video displays or any sign that contains dynamically generated digital content.

**DIRECTIONAL/INSTITUTIONAL SIGN:** A permanent instructional sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

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.

FREESTANDING SIGN: Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the ground and the sign face.

GOVERNMENT SIGNS: A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

ILLUMINATED SIGN: Any sign for **which an artificial source of light is used in order to make readable the sign's** message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.

LOGO: A logo is a graphic symbol used to identify a use or product.

NONCONFORMING SIGN: A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this code.

PERMANENT SIGN: A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign.

PROJECTING SIGN: A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. Including but not limited to: blade signs, canopy signs, marquee signs, or any other sign that projects away from the building but are not freestanding.

SANDWICH BOARD SIGN: A portable, A-frame sign that complies with the requirements of this title for size and shape.

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.

SMALL SIGN: **A freestanding sign not exceeding six (6) square feet in gross sign area and five feet (5') in** height, which is not illuminated.

TEMPORARY SIGN: Any sign intended to remain in use for a period of time (not exceeding 90 days) which is not permanently installed.

WALL SIGN: Any sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall. Attached wall signs extend no more than one foot from the building to which they are attached. Wall signs shall not extend above the roof line or parapet of the building to which they are attached.

WINDOW SIGN: 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.

WAYFINDING SIGN: Advertises publicly accessible facilities remote from the sign location and provides general descriptions of facilities or commercial areas, but shall not advertise specific business names. These signs may be located on public or private property.

### 12-11-3: PERMIT REQUIRED:

A building and/or zoning site permit, pursuant to §12-3-9 of this title and title 9 of city code shall be required for the placement or installation of any sign, including replacements of existing signs, except as provided at section 12-11-4 of this title. The location, type, and size of proposed signs shall be included in the materials required for special use permit applications. A zoning permit shall be processed in accordance with the provisions of section 12-3-8 of this title.

### 12-11-4: EXCEPTIONS TO PERMIT REQUIREMENTS:

The signs listed here are not exempt from any requirement of this title, except the requirement for a permit. No permit shall be required for:

- A. Addressing numbers/mailboxes;
- B. Directional/Institutional Sign: Directional or institutional signs that do not in any way advertise a business. Signage includes but is not limited to: signs identifying publicly accessible facilities; signs providing direction, such as parking lot entrance and exit signs; and those of similar nature;
- C. Governmental Sign: Governmental signs for the control of traffic or other regulatory purposes, or signs of public service companies indicating danger, which are erected by or on the order of a public officer in the performance of public duty;
- D. Flagpoles that do not exceed a height of 35 feet;
- E. Sandwich board signs not exceeding six (6) square feet for each side;
- F. Small signs, as defined, which shall not be illuminated, animated or contain reader boards;
- G. Temporary signs, as defined, not in excess of six (6) square feet and not permanently installed;
- H. Wall signs not exceeding four (4) square feet;
- I. Wayfinding signs;
- J. Window signs.

### 12-11-5: PROHIBITED SIGNS:

All signs not expressly permitted by Table A, section 12-11-8 of this title, shall be prohibited. Signs prohibited within the City of Dover shall include:

- A. Signs that mimic or simulate traffic control signs or public notices placed by the city or other public agencies;
- B. Signs that obstruct or interfere with vehicle and pedestrian traffic: Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic;
- C. Oscillating, flashing, rotating, flickering, or blinking lights unless otherwise specifically permitted by this title;
- D. Signs on public property or attached to trees, utility poles, public benches or streetlights, unless authorized by the city or specifically permitted within this title.

## 12-11-6: 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.

## 12-11-7: DESIGN AND PERFORMANCE STANDARDS:

Conformance to city codes: Any sign hereafter erected shall conform to provisions of this title, and all other applicable provisions of other city titles, unless where otherwise exempted at §12-11-4.

### A. Construction standards

1. All applicable signs, subject to a building permit, shall accompany construction quality stamped plans by an engineer certified in the state of Idaho to do such work. The plan shall illustrate how the proposed sign is engineered to be compliant with the minimum design criteria as adopted and shall demonstrate to the satisfaction of the city engineer or designee, that the sign will not constitute a public hazard.
2. All applicable signs shall comply with the applicable provisions of the National Electrical Code and applicable building codes.
3. Signs shall be constructed of permanent materials and permanently affixed to the ground or building, except for those signs that are intended to be temporary.
4. Signs and sign support structures, together with their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of signs shall be kept neatly painted or posted at all times.

### B. Lighting

1. Only non-illuminated and indirectly lit signs shall be permitted inside city limits. Spotlights or other fixtures used for the indirect illumination of a sign shall be placed so as not to result in violations of section 12-11-5 of this title.

### C. Measurement standards

1. Determining sign height:
  - a. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.

b. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

2. Determining sign area

a. The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

b. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces.

12-11-8: SIGNS PERMITTED BY ZONE:

Authorized Signs: Unless otherwise permitted, those signs not specifically provided for shall be prohibited. P= Authorized or Permitted; S= Specially Permitted; [vacant] = prohibited.

Table A

Zone District

<u>Sign Type</u>	<u>Agricultural/Rural</u>	<u>Suburban</u>	<u>Residential</u>	<u>Commercial</u>
Freestanding	P(6)	P(6)(8)	P(6)(8)	P(1)(2)
Window/Wall /Affixed				P(2)(4)
Awning				P(3)
Projecting/Suspended				P(5)
Sandwich Board signs				P(9)
Electronic Message Boards				
Neighborhood Identification sign	P	P	P	P
Development Signs	P	P	P	P
Temporary	P(7)	P(7)	P(7)	P(7)
Small Signs	P(6)	P(6)	P(6)	

Notes: All signs shall comply with the standards listed within this title, and specifically with those standards listed at section 12-11-7. All signs requiring a permit are subject to the permitting requirements of 12-11-3 of this title.

1. All freestanding shall not be greater than six (6) feet in height and no sign shall be greater than 24 square feet as determined by 12-11-7C.
2. Total combined sign area shall not exceed 120 square feet, where no single sign shall be larger than 24 square feet.
3. Awnings may be used to display the name or logo of the owner or operator.
4. Window signs shall not occupy any more than 29% of any window area.

5. Buildings with canopies or arcades may use one projecting sign of no more than four (4) square feet for each use or occupancy with access from the canopied area or arcade. Signs shall not project into a public right-of-way. A minimum clearance of eight (8) feet from adjacent grade shall be maintained for the sign at all times the sign is in operation.
6. Only allowed where authorized by an approved use.
7. Where the sign will not exceed 90 days in use and is not permanently installed. Total number of temporary signs shall not exceed three (3) per lot/parcel.
8. Residential freestanding signs shall not exceed four (4) feet in height and shall not exceed six (6) square feet in area.
9. Shall not be placed in a public right-of-way and shall not impede the flow of pedestrian traffic.

#### 12-11-9: NON-CONFORMING SIGNS:

- A. A non-conforming sign is a sign that meets the definition of this chapter.
- B. No such nonconforming sign may be enlarged or altered, in a way which increases its nonconformity, but any sign may be altered to bring it into conformity.
- C. Except for ordinary maintenance, copy changes, or repairs not involving structural, material, or electrical changes, no sign, or part thereof, shall be, changed, converted, additionally illuminated, enlarged, or moved unless the entire sign and structure are brought into conformity with this title, unless such sign was damaged or partially destroyed by man-caused or natural act such as fire, accident, explosion, flood, lightning, wind or other calamity. In such cases, the sign or structure may stay at its current location, provided the sign shall not be improved upon, constructed, altered, changed or re-erected without review and approval by the city. Non-conforming signs shall be required to come into compliance with any building standards relating to such uses, as determined by the building inspector and/or engineer.

#### 12-11-10: ADMINISTRATION:

The city shall have the authority to ensure that all measures of this chapter are enforced. As such, the following standards shall be adhered to:

- A. Permit required: A permit shall be required for all signs, except for those expressly exempt at 12-11-4 of this title. Exemption from permit shall not, however, exempt the owner of the sign from responsibility for its installation and maintenance in a safe manner, and in a manner in accordance with all other provisions of this chapter or title. Applications for sign permits shall be pursuant to section 12-3-9 of this title. The application, at a minimum, shall include the following:
  1. Name of organization and location;
  2. Contact person;
  3. Address and phone number for contact person;
  4. Description of the activities occurring on the site where the sign will be installed;
  5. Description of any existing signage that will remain on the site;

6. Identification of the type of sign/signs to be erected by the applicant;
  7. Site plan depicting the locations of proposed signage including setbacks from property lines, proposed landscaped areas and existing remaining signage;
  8. Construction quality plans of the sign and supporting structures stamped by an engineer certified in the state of Idaho to do such work. The administrator may allow an exemption for stamped plans where the sign clearly does not require engineering, such as signs painted on an existing wall, sandwich board signs, or similar situations.
  9. Written description explaining the drawing of the proposed signage, including a detailed description of materials, colors, and letter height, type, and style;
  10. Any applicable fee as established by the city.
- B. Removal of Unsafe Signs:** Whenever a sign becomes structurally unsafe or endangers the safety of the public or a building, the city administrator, engineer, or designee, shall order that such sign be made safe or be removed. Following receipt of said order, the person, firm, or corporation owning or leasing the sign shall remove it immediately.
- C. Appeals:** Any person aggrieved by a decision in this chapter shall have recourse as set forth at section 12-3-5 of this title.
- D. Enforcement:** All matters pertaining to the enforcement of this chapter shall be in accord with the standards listed at section 12-2-2 of this title.
- E. Abandoned signs** shall be removed within 60 days of the adoption of this section 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 (1) year. Any sign that, due to lack of maintenance or is not structurally sound, shall be considered abandoned.

## Chapter 12 PLANNED UNIT DEVELOPMENTS

### 12-12-1: INTENT:

The intent of the Planned Unit Development (PUD) is to permit building and development flexibility by permitting a PUD within any zoning district through a rezone and/or special use permit or in those areas designated as PUD on the city's official zoning map. Map designation of a PUD still requires the processing of a special use permit for a PUD.

### 12-12-2: GOALS:

It shall be the policy to guide development of land and construction by encouraging PUDs to achieve the following goals:

- A.** A choice of development environments by allowing a variety of building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements, provided appropriate amenities are provided by the development;
- B.** A more useful pattern of open space, more convenience in the location of accessory commercial uses, and services;
- C.** A development pattern that preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
- D.** A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;
- E.** A development pattern in harmony with land use density, transportation, and community facilities objectives of the Comprehensive Plan.

### 12-12-3: CONFLICTING PROVISIONS:

Whenever there is a conflict or difference between the provisions of this chapter and those of other provisions of this title, the provisions of this chapter shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in the City of Dover Zoning Ordinance.

### 12-12-4: DENSITY:

- A.** The overall density of a PUD shall not exceed the requirements of the underlying zone(s) except as provided in sections 12-12-10 and 12-12-16 of this chapter. Common open space and buffering may be included in calculation of the overall density.
- B.** If a PUD is located in more than one zoning district, the space and density requirements shall be calculated separately for each zone. However, the distribution of dwellings or other land uses within the PUD need not be affected by the zoning district boundaries.

12-12-5: USES PERMITTED:

- A. A variety of residential, commercial, recreational or combinations of these land uses may be permitted within a PUD. Residential areas within PUD's may include both single-family and multi-family dwelling units such as townhouses, garden apartments, common wall single-family and multi-family dwellings, either as separately deeded lots, condominiums, or as lease or rental housing.
- B. Zero lot line development and condominiums.

12-12-6: OWNERSHIP REQUIREMENTS:

- A. The PUD application shall be filed in the name or names and with the consent of the recorded owner or owners of property included in the development. An application for approval of a PUD may be filed by a property owner or a person having an existing interest in the property to be included in the PUD. However, the application may be filed by the holder(s) of an equitable interest in such property.
- B. Before approval is granted to the final development plan, the entire project shall be under single ownership or control and legal title must be presented with the final development plan or approval may be granted subject to this condition.

12-12-7: COMMON OPEN SPACE:

- A. A minimum of ten percent (10%) of the gross land area developed in any PUD project shall be reserved for common open space and/or recreational facilities for the residents or users of the area being developed. The applicant/developer shall demonstrate, to the satisfaction of the Council, the proposed common area/open space is a percentage of the total area developed to adequately serve the needs and impacts of the development.
- B. The required amount of common open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development and/or be dedicated to the public and retained as common open space for parks, recreation and related uses. Public utility and similar easements and right of ways for watercourses and other similar channels are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and is approved by the City Council.
- C. The responsibility for the maintenance and security of all open spaces shall be specified by the developer before approval of the final development plan. The city may require sufficient guarantees to ensure such maintenance and security.
- D. Common open space shall meet the following standards:
  - 1. The location, shape, size, and character of the common open space shall be provided in a manner to meet the needs of the PUD;
  - 2. The uses intended for the common open space must be appropriate to the scale and character of the PUD, considering its size, density, expected population, topography, and the number and type of structures and uses to be provided;

3. Common open space should be suitably improved for its intended use, although common open space containing natural features, existing trees, and ground cover worthy of preservation may be proposed to be left unimproved. The buildings, structures, and improvements which are permitted in the common open space shall be appropriate to the uses which are approved for the common open space and shall conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition. The city may use conditions of approval or require guarantees that ensure required improvements are constructed;
4. The development schedule must coordinate the improvement of the common open space and the construction of all buildings and facilities within the PUD;
5. The use and improvement of the common open space shall be planned in relation to any existing public or semi-public open space which adjoins or is within one thousand (1000) feet of the perimeter of the PUD;
6. The form of ownership and maintenance of the open space must be approved by the city prior to recording of the final PUD. The individual or organization shall not dispose of the common open space without written approval by the city council.

#### 12-12-8: PERIMETER REQUIREMENTS:

If topographical or other barriers do not provide adequate protection for existing or planned uses adjacent to the PUD, the city may impose either, or both, of the following requirements:

- A.** Structures located within the perimeter of the PUD must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses;
- B.** Such structures located adjacent to the perimeter of the PUD must be permanently screened or buffered in a manner approved by the Council. Screening/buffering includes, but is not limited to: berming; fencing; landscaping or combination thereof;
- C.** Modification of perimeter requirements can be made when accommodating section 12-12-7(D)(5) of this title.

#### 12-12-9: UNDERGROUND UTILITIES:

Underground utilities, including telephone and electrical systems, are required within the limits of all PUD's. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Council finds that such exemption will not violate the intent or character of the proposed PUD.

#### 12-12-10: INCREASED RESIDENTIAL DENSITY:

To provide for an incentive for quality PUD's, the Council may authorize an increased density in excess of that permitted in the applicable residential zoning district. The increased density shall be negotiable. Character, identity, architectural and siting variation incorporated in a development shall be considered cause for density increases, provided these factors make a substantial contribution to the objectives of the PUD including:

- A.** Landscaping, streetscape, open spaces and plazas, use of existing landscaping, pedestrian way treatment and recreational areas;

- B. Siting, visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks and building grouping (such as clustering);
- C. Design features, street sections, architectural style, harmonious use of materials, parking areas broken by landscaping features and varied use of housing types;
- D. Public and/or community services, such as water and sewer, are appropriate for the proposed densities;
- E. Unbuildable lands cannot be used in density calculations;
- F. Increased density will not permit overcrowding.

#### 12-12-11: COMMERCIAL USES:

- A. When PUD's include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to limit the number of encroachments and intersections. Planting screens or fences may be provided on the perimeter of the commercial areas abutting residential development or zone districts.
- B. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.
- C. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.
- D. Access roads shall not have a substantial adverse effect on properties adjoining the access roads.

#### 12-12-12: APPLICATION PROCEDURE:

- A. Approval Procedure. The granting of a special use permit for a PUD shall require a pre-application, the submission of a preliminary development plan and approval by the city council of a final development plan as specified within this title.
- B. Pre-application Meeting. The developer shall meet with the public works administrator prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this chapter and the criteria and standards contained herein, and to familiarize the developer with the comprehensive plan, zoning ordinance, subdivision ordinance and such other plans and ordinances as are deemed appropriate.
- C. Preliminary Plan - Filing. An application for a preliminary PUD shall be filed with the city administrator by a property owner or person having existing interest in the property for which the PUD is proposed. At a minimum, the application shall contain the following:
  1. Name, address, and phone number of applicant;
  2. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;

3. Legal description of property including a plat map prepared by a surveyor licensed in the State of Idaho;
4. Description of existing use;
5. Zoning districts;
6. A vicinity map at a scale approved by the administrator showing property lines, streets, existing and proposed zoning and such other items as the administrator or city council may require to show the relationship of the PUD to the comprehensive plan and to existing schools and other community facilities and services;
7. A preliminary development plan at a scale approved by the administrator showing topography at two-foot (2') contour intervals except in areas of steep or high slopes where five foot (5') contours are required; location and type of residential, commercial and industrial land uses, layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the administrator or city council deem necessary. The plan will show the proposed general layout; the location of various types of land uses; the approximate location, use, height, and bulk of buildings; the proposed density of population in each distinct residential area; the location and size of recreational spaces, parks, schools, and other facilities which are intended for public use; the provisions for automobile parking; and the size and floor space of commercial or industrial uses;
8. Proposed schedule for the development of the site;
9. Evidence that the applicant has sufficient control over the land in question to file the final plan of the proposed development plan within two (2) years;
10. A preliminary plat, in accordance with other provisions of the City of Dover subdivision regulations, when the PUD includes a platted subdivision;
11. A land capability report, prepared by a person or firm qualified by training and experience to have expert knowledge of the subject, identifying the capability of the land to withstand disturbance without risk of substantial harmful consequences of floods, sewage, drainage, erosion, sedimentation, or geological or surface slippage;
12. A public utility plan for sanitary sewer, water, and storm drainage;
13. A plan showing the design and construction standards and location of proposed streets, grades, and public ways, together with a traffic study of existing roads to build out;
14. Additional copies of the application shall be required if requested by the administrator.
15. The applicant shall also submit a written statement providing the following information:

- a. An explanation of the character of the PUD and the reasons why the PUD is consistent with all applicable city ordinances and why, in the applicant's opinion, the PUD is in the public interest;
- b. Two (2) copies of restrictive covenants, grants or easements, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures including easements or grants for public utilities;
- c. Proof of the present ownership of all of the land included within the PUD and the applicant's interest in the land proposed for development;
- d. The form of organization proposed to own and maintain the common open space;
- e. Letters of comment from the appropriate road, fire, school, health, sewer and water districts and other appropriate agencies shall be provided. The letters shall indicate that the agency has reviewed the proposal, and stipulate any conditions or requirements necessary for approval;
- f. A development schedule indicating the approximate date when construction of the project can be expected to begin;
- g. The approximate dates in which phases of the project will be built;
- h. The approximate date when the development will be completed.

16. The application shall include a deposit, in an amount set by the administrator, to be applied toward processing fees and postage.

**D. Preliminary Plan - Notice.** Following the filing of a complete application as determined by the administrator, and prior to granting a special use permit for a PUD, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper of the city. Notice by mail shall be given by mailing of the public notice fifteen (15) days prior to the hearing to property owners within three hundred feet (300') beyond the external boundaries of the land to be considered, excluding streets and alleys, and any additional area that may be substantially impacted by the proposed special use as determined by the commission, using the last known name and address of such owners on the latest adopted tax roll of the county. The applicant shall bear the responsibility and costs of public notice by mail and by publication. The city shall have the responsibility of preparing the public notice for the applicant. The applicant shall provide an ownership report pursuant to section 12-3-15 of this title. Additional notice requirements as provided for by Idaho Code Section 67-6512, shall be met as required.

**E. Preliminary Plan – City Council Review for Approval.**

- 1. Within thirty (30) days after the public hearing the city council shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this chapter; whether the proposed development advances the general welfare of the community and neighborhood and whether the benefits, combination of various land uses and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The city council's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in

principle shall not be construed to endorse a precise location of uses, configuration of parcels or engineering feasibility.

2. The City Council shall consider the general standards applicable to special use permits and criteria for special uses before approving in principle a preliminary development plan.
3. The City Council shall not make a determination on a preliminary plan unless permitting costs and fees, that are the responsibility of the applicant/developer, have been paid.

F. Final Plan - Filing. An application for approval of the final development plan must be filed within two (2) years of approval of a preliminary development plan. The final plan shall be filed with the administrator by at least one property owner or person having a presently existing interest in the property for which the PUD is proposed. Applications shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval unless specifically allowed otherwise by the city council. At a minimum, the application for a final plan shall contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site; including major wooded areas, wetlands, structures, streets, easements, utility lines and land uses;
2. All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity and land use considered suitable for adjacent properties;
3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population; anticipated timing of each unit and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other ordinances governing development;
4. Engineering feasibility studies and plans showing, as necessary: water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street improvements and nature and extent of earth work required for site preparation and development;
5. Site plan showing; building(s), various functional use areas, circulation and their relationship;
6. Preliminary building plans and proposed exterior elevations;
7. Landscaping plans;
8. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

9. A final plat if a subdivision is included in the PUD.

#### G. Final Plan - City Council Recommendation.

1. Within sixty (60) days after receipt of the final development plan, the administrator shall recommend that the final development plan be approved as presented, approved with supplementary conditions or disapproved. The administrator may, upon showing cause, request and receive time extensions from the city council. The administrator shall then transmit all papers constituting the record and the recommendations to the city council.
2. The city council shall find that the facts submitted with the application and presented to them establish that:
  - a. The proposed development can be initiated within two (2) years of the date of approval or as otherwise stipulated by the city council;
  - b. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;
  - c. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;
  - d. Any proposed commercial development can be justified at the locations proposed;
  - e. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan and is in accordance with the PUD and the adopted policy of the city council;
  - f. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
  - g. The PUD is in general conformance with the comprehensive plan;
  - h. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;
  - i. Permitting costs, that are the responsibility of the applicant/developer, have been paid by the applicant/developer.

#### H. Final Plan - Council Action.

1. Within sixty (60) days after receipt of the final recommendation of the administrator, the city council shall either approve, approve with supplementary conditions or disapprove the application as presented. Upon granting or denying the application the city council shall specify:
  - a. The ordinance and standards used in evaluating the application;

- b. The reasons for approval or denial;
  - c. The actions, if any, that the applicant could take to obtain a permit.
2. Prior to an approval of a final plan, the city may require the applicant/developer enter into a development agreement with the city setting forth: the scope of the project; conditions of development; and describing all improvements and amenities which the applicant/ developer has agreed to construct.
  3. If the application is either approved or approved with conditions, the City Council shall direct the Administrator to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.
- I. Extensions. Extensions for final plan filing and/or initiation of construction of a project may be administratively granted by the city council, at a regular business meeting, upon the applicant/developer showing cause for an extension.

### 12-12-13: PLANNED UNIT DEVELOPMENT REVIEW CRITERIA:

A PUD may be approved only if the proposal conforms to the following criteria to the satisfaction of the city council:

- A. The proposal produces a functional, enduring and desirable environment;
- B. The proposal is consistent with the city comprehensive plan and the City of Dover Zoning Regulations;
- C. The design and site planning is compatible with existing uses on adjacent properties. Design elements to be considered include but are not limited to density, architectural style, placement of buildings upon land, building heights and bulk, off-street parking, open space, privacy, and landscaping;
- D. The proposal is compatible with natural features of the site and adjoining properties. Natural features to be considered include; topography, native vegetation not restricted by law, wildlife habitats, watercourse, floodplains, floodways and view corridors;
- E. The location, design, and size of the proposal are such that the development will be adequately served by existing public facilities or services. Addition to, or expansion of, existing facilities or the creation of new facilities may be required as a condition of PUD approval. Additions and expansions shall be the responsibility of the developer;
- F. The proposal provides adequate private common open space area, as determined by the city council, of no less than ten percent (10%) of gross land area, free of buildings, streets, driveways or parking area. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.
- G. Off-street parking provides parking sufficient for users of the development and shall be integrated into the development to minimize exposure and impact;
- H. The proposal indicates the form of management, acceptable to the city, for the perpetual maintenance and security of all common property;

- I. The location, design and size of the proposal are such that the traffic generated by the development can be accommodated safely on major streets and without requiring unnecessary utilization of other local streets without appropriate improvements and mitigation measures;
- J. That access to the PUD, traffic congestion in the streets which adjoin the PUD, and the burden on public facilities which serve or are proposed to serve the PUD have been adequately addressed by the development;
- K. All elements of the design of the land, including vehicular ingress and egress, internal circulation of vehicles, pedestrian walkways, building, structures and related improvements, landscaping, signs, and exterior illumination are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and physical disruption of surrounding property will not result;
- L. The city council may require dedication of land and/or the construction of non-vehicular travelways that will facilitate non-vehicular travel within the development and complement a city-wide non-vehicular transportation system.

#### 12-12-14: PROFESSIONAL SERVICES REQUIRED AS CONDITION OF APPROVAL:

The city council shall have the authority to require the applicant to utilize appropriate competent professionals for a specific input regarding special areas of concern, such as traffic, hydrology and engineering studies, as a condition for approval of a PUD or a limited design PUD.

#### 12-12-15: PUBLIC SERVICES AND FACILITIES:

The city council may, as a condition of approval of PUD's, and when the need is caused by the PUD, require mitigation of impacts to the extent required by the PUD to public services and facilities including but not limited to; schools, parks, playgrounds and associated services. Areas for such services may be set aside and negotiated for public use or be permanently reserved for the owners, residents, employees, or patrons of the development.

#### 12-12-16: MODIFICATION OF DEVELOPMENT STANDARDS:

In order to achieve the purposes of these provisions, the following standards may be modified with conditions imposed:

- A. Any provision pertaining to site performance standards including, but not limited to height, bulk, setback or maximum dimensions of any facility;
- B. Any provision establishing buffering, landscaping or other similar requirements pertaining to site design;
- C. Any provision pertaining to the minimum or maximum dimensions of any lot(s);
- D. Any provision pertaining to the type of facilities and uses allowed;
- E. Any provision pertaining to sign regulations;
- F. Any provision pertaining to off-street parking and loading except that required parking spaces shall be located within two hundred feet (200') of the building containing the living units.

#### 12-12-17: SECURITY FOR IMPROVEMENTS:

- A.** The city council may, as a condition of approval of a Final PUD, require the applicant to enter into a contract with the city to install the required public improvements. The applicant shall furnish an irrevocable letter of credit, performance bond or other sufficient security acceptable to the City for the installation and associated costs. However, if an applicant/developer completes all public improvements prior to lease, sale or use of properties, bonding will not be required. The administrator may extend the completion date for additional six (6) month periods upon written request from the applicant showing cause and need for the extension.
- B.** In the event the developer fails to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements, the guarantee shall be forfeited to the City. The City shall arrange to have such work completed up to the amount of the guarantee. In no case shall the City be required to expend any funds other than those provided by the guarantee. In order to accomplish this, the City shall reimburse itself for any cost and expense thereof by appropriating the guarantee.

#### 12-12-18: PARTIES BOUND:

Once the preliminary development plan is approved, all persons and parties, their successors, heirs, or assigns, who own, have, or will have by virtue of purchase, inheritance or assignment, any interest in the real property within the proposed PUD, shall be bound by the conditions attending the approval of the development and the provisions of this Ordinance.

#### 12-12-19: ADMINISTRATION AND ENFORCEMENT:

Building permits and other permits required for the construction or development of property under the provisions of this chapter shall be issued only when in the opinion of the administrator, the work to be performed meets the requirements of the final plan and program elements of the PUD. Any determination made by the administrator, in regard to administering this chapter, can be appealed to the city council.

#### 12-12-20: MINOR AND MAJOR ADJUSTMENTS:

- A.** Minor adjustments may be made and approved by the administrator when a building permit is issued. Minor adjustments are those which may affect the precise dimensions or siting of buildings, but which do not affect the basic character or arrangement of buildings approved in the final plan, nor the density of the development or the open space requirements. Such dimensional adjustments shall not vary more than ten percent (10%) from the original.
- B.** Major adjustments are those which, in the opinion of the administrator, substantially change the basic design, density, open space or other requirements of the PUD. When, in the opinion of the administrator, a change constitutes a major adjustment, no building or other permit shall be issued without prior review and approval by the city council of such adjustment.

12-12-21: FEES:

It is the intent of the city for the applicant/developer to assume all permitting costs associated with processing a PUD. Permitting costs shall include processing fees, postage and reasonable professional fees such as engineering and legal service fees. The city may set such fees by resolution.

# APPENDICES

## 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 for 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:

1. 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.

**B.** 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:

1. Be divided from the street by a curbed barrier at least four (4) feet in width;
2. Be at least 60 feet in length and 12 feet in width;
3. Accommodate one-way traffic only;
4. Include a depressed curb section for handicapped access; and
5. 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 anticipated to be used on the site, and shall have the following minimum dimensions:
  - 1. Vertical clearance: 14 feet;
  - 2. Width: 12 feet; and
  - 3. 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 area. The following standards apply to 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 12-6-13 and Appendix C (4) of this title;
- G. Access driveways for single family dwellings shall be a minimum of 10 feet wide, with a curb radius of five (5) 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:
  - 1. for two-way circulation and/or 90-degree parking: 24 feet
  - 2. for one-way circulation and/or 60-degree angle parking: 18 feet;
  - 3. for one-way circulation and/or 45-degree angle parking: 15 feet;
  - 4. 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 parking lot relies on a public street to gain access to another portion of the parking lot.

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.

TABLE A1 - MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

<u>Type</u>	<u>Use</u>	<u>Spaces Required</u> Per 1000 sq. ft. of gross floor area unless otherwise noted (1)
Entertainment	Theaters, other places of assembly	.3 per seat (3)
	Bowling alleys, arcades, similar amusements; health clubs, spas	5
Residential	Boarding houses, dormitories	1 per bed
	Dwellings	2 per unit (2)
Retail:	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
Service:	Shopping centers less than 200,000 sq. feet	4
	Shopping centers over 200,000 sq. feet	5
	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 use	3

<b>Other: (The following have the listed parking requirement plus one space for each employee anticipated when operating at capacity)</b>	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

(Notes :) If a sub note has been provided, the corresponding language shall be applied, if applicable:

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.

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 title effectively accomplish these goals.

2: MINIMUM BUFFER REQUIREMENTS:

- A. Location of Buffers: Buffers should be located along property lines where competing land uses are located or as directed by the city where the purpose is to mitigate competing land uses. Buffers, where approved by the city, may be located along property lines that front public rights-of-way or public property.

3: BUFFER WIDTHS AND BUFFER WIDTH REDUCTIONS:

- A. Buffer Widths: 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 B1 provides the width required. The buffer shall consist of a level or gently sloping area of sod or ground cover and four major trees per hundred lineal feet of buffer. Table B1 also shows where a security fence and/or a solid fence, wall, or berm is required as part of a buffer.
- B. Buffer 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.
- C. Additional Plantings. The width requirements of Table B1 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.
  - 1. Major trees: The required buffer width shall be reduced by 10% where five (5) or more major trees per hundred lineal feet are planted.
  - 2. Under story trees: The required buffer width shall be reduced by 10% where five (5) or more under story trees per hundred lineal feet are planted.
  - 3. Shrubs: The required buffer width shall be reduced by 10% where 20 or more shrubs per hundred lineal feet are planted.

4: BUFFER CROSSINGS/INCLUSIONS:

- A. 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 (5) feet, being included in the required buffer width. Buffers may also include permitted signs.

- B. Obstruction of sight: Where access points and driveways intersect buffer areas, no element of the buffer area shall not obstruct the line of sight of the driving traffic so as to create a hazard or potential hazard to the public.

5: 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 (1) inch; and
- B. All shrubs shall be minimum two (2) gallon containerized stock in good condition.
- C. All plant materials shall be warranted for one (1) year by the provider.

6: MAINTENANCE: Perpetual maintenance of required buffers is required.

TABLE B1 – REQUIRED BUFFERS

<u>Required buffered uses</u>	Use Being Buffered	Basic Buffer (Width in feet)	Buffer Height Adjustment Factor	Security Fence Required?	Headlight Buffer Required?
Commercial and/or public:	Residential	20	1:1	No	Parking Area
	River	40	None	No	No
Outdoor materials handling/storage area; solid waste handling and storage <b>Less than 10,000 sq. ft.:</b>	Residential/vacant	20	None	Yes	Yes
	Public Way	12	None	No	Yes
	River	20	None	No	No
Outdoor materials handling/storage area; solid waste handling and storage <b>More than 10,000 sq. ft.:</b>	Residential/vacant	40	None	Yes	Yes
	Public way	12	None	No	No
	River	40	None	No	No
Parking areas with +4 spaces:	Residential/vacant	12	None	No	Yes
	Public way	12	None	No	Yes
High density residential uses:	Residential	12	80:1	No	Parking area
	River	20	None	No	No

Basic Buffer: Basic buffer width is required in all cases, except where a width reduction is permitted by 3B or 3C of this appendix.

Buffer Height Adjustment Factor: 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.

Security Fence: A security fence is at least six (6) feet in height and designed to prevent unauthorized entry to the site.

Headlight Buffer: A headlight buffer is a solid fence or wall, dense hedge, or berm of at least four (4) feet in height placed or planted to block headlight glare originating in parking areas or other areas of frequent vehicle movement.

## APPENDIX C

### DETAILED PERFORMANCE STANDARDS FOR STREET DESIGN AND CONSTRUCTION

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.

3: STREET DESIGN:

- A. 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 at section 12-6-17 of this title.
- B. Street Construction. All streets shall be paved, unless otherwise approved by the city council, and properly drained as directed by the city engineer.
- C. 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.
- D. 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.
- E. Maximum Grade. The maximum grade of any street shall be eight (8) percent, except at intersections, as provided in section 4 of this appendix.
- F. 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.
- G. Minimum Centerline Radius of Curves. The minimum centerline radius of curves shall be 250 feet.
- H. Minimum Tangent between Reverse Curves. The minimum tangent between reverse curves shall be 50 feet.

4: INTERSECTION DESIGN:

- A. 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.
- B. 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 shall be provided. 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.
- C. Grade at Intersection. The maximum grade at, and within 50 feet along both approaches to, any intersection shall be two (2) percent.
- D. 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.
- E. Curb Radius. Curb radius at all intersections shall be 20 feet, except at intersections with arterials, where it shall be 25 feet.
- F. 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.
- G. 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.

#### 5: ADDITIONAL STANDARDS:

- A. Culverts and Bridges. All culverts and bridges shall be designed by an Idaho licensed engineer.
  1. Use of bridges rather than culverts shall be required wherever the Idaho Fish and Game Department requests the use of bridges to protect fisheries.
  2. 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 on to neighboring properties.
  3. Culverts not included in item 2. above shall be designed to pass the runoff from the 10-year, 6-hour storm.
  4. 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.
  5. There shall be a minimum 50 foot, 90-degree approach to all bridges.

6: SIDEWALKS REQUIRED: A sidewalk shall be installed along all streets. Sidewalks shall be located one (1) foot from and parallel to the out edge of the street right-of-way. Sidewalks shall be at least four (4) feet wide and consist of:

- A. Sub-base: minimum of four (4) inches of crushed coarse aggregate; and
- B. Base: minimum of four (4) inches of Portland cement sidewalk.

## APPENDIX D DEFINITIONS

**ACCESSORY DWELLING UNIT (or ADU):** A second, subordinate dwelling unit for use as a complete, independent dwelling located on the same lot or parcel as the main dwelling and complying with all standards associated with such use as adopted by the City of Dover.

**ACCESSORY STRUCTURES AND USES:** Accessory buildings and uses are those customarily associated with and subordinate to a principal building or use.

**ADMINISTRATOR:** The city mayor or designee, who may be typically known as the planning and zoning administrator.

**BUILDING FRONT:** That portion of a building that faces a street and provides access from the street. Buildings may have multiple fronts, depending on the orientation of the building on the lot(s) or parcel(s).

**BUILDING HEIGHT:** Building height is the vertical distance between pre-development ground elevation and the highest point on the building or structure. 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, excluding chimneys, vents and antennae.

**BUILDING SIDE:** That portion of a building that faces a street but does not provide access from such street.

**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 fewer children not residing on the same premise.

**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.

**HABITABLE LIVING SPACE:** An area within a residential building used for living, sleeping, eating or cooking purposes. Those areas not considered to meet this definition include garages, decks, covered porches, and utility spaces.

**HOME OCCUPATION:** A business, profession, occupation or trade conducted for gain or support entirely within a residential building or accessory residential structure, which is incidental and secondary to the principal residential use meeting all requirements and standards of the City of Dover.

**IMPERVIOUS SURFACE:** Any structure, surface or improvement that reduces and/or prevents absorption of stormwater into land. Common "impervious surfaces" include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, concrete or asphalt paving, gravel roads, packed earthen materials and oiled, macadam or other surfaces that impede the natural infiltration of stormwater. Open, uncovered retention or detention facilities are not considered to be impervious surfaces for the purposes of this title.

**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.

**LOT COVERAGE:** The percentage which the aggregate building area of all buildings on the lot bears to the area of the lot (a ratio of total building area to total lot area).

**NONCONFORMING STRUCTURE:** A structure or building, or portion thereof, which was lawfully erected or altered and maintained at the time this title was adopted, but which because of the applications of this title to it, no longer conforms to the use, height or area regulations of the zone in which it is located.

**NONCONFORMING USE:** A use which was lawfully established and maintained at the time this title was adopted, but which, because of the application of this title to it no longer conforms to the use regulations of the zone in which it is located.

**OWNER OCCUPANCY:** A property owner, as reflected in title records, who makes his or her legal residence at a site, as evidenced by voter registration, vehicle registration, or similar means.

**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.

1. Construction Signs: Are ground or wall signs that identify **a building's planned use while** under construction.
2. Home Occupation Signs: Which identify a business which operates out of a home and in compliance with the standards of this title.
3. Ground Signs: Freestanding signs not exceeding six (6) feet in height above grade.

**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.

**STREET, FLANKING:** A public or private right of way abutting the side or intersecting the boundaries of a parcel, lot or development site.

**USE, PERMITTED:** An activity or use so designated in any given zone, and which may occur without special action by the city council, which may or may not need authorization by the city, 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.

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

**WATER MARK, NATURAL, ORDINARY AND ARTIFICIAL:** The natural or ordinary high water mark is an elevation at which water impresses a line on the shore by covering it for sufficient time to deprive soil of its

vegetation and destroy its value for agricultural purposes. The artificial water mark is created by manmade dams or controls and similarly impresses a new vegetation line on the shore.

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

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 permit that requires approval by the Administrator or the City Council, including but not limited to building permits, Administrative Reviews, Site Plans and/or Home Occupations, as applicable.

