

CITY OF DOVER, IDAHO
ZONING REGULATIONS (TITLE 12)
AMENDMENT TO CHAPTER 6, STANDARDS OF ALL ZONE DISTRICTS, AND
DEFINITIONS, APPENDIX D
RECREATIONAL VEHICLE OCCUPANCY, STORAGE, AND PARKING

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DOVER, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 12 (DOVER ZONING REGULATIONS), CHAPTER 6, STANDARDS OF ALL ZONE DISTRICTS, TO ADD NEW STANDARDS FOR RECREATIONAL VEHICLE OCCUPANCY, STORAGE, AND PARKING, TO ADD A DEFINITION OF RECREATIONAL VEHICLE AND AMEND THE DEFINITION OF DWELLING UNIT, 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, Idaho Code §67-6511 and §67-6518 authorizes the city to set standards for private and public development and zoning standards for buildings and structures, where in accord with the adopted comprehensive plan; and

Whereas, the City of Dover Planning and Zoning Commission has initiated an amendment to Title 12, as authorized by Dover City Code 12-9-2, to create zoning standards for recreational vehicle occupancy, storage, and parking to address health, safety, and welfare issues related to adequate housing and impacts to neighboring properties; and

Whereas, the 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 May 3, 2018, and October 15, 2018, did make a recommendation to [approve/deny] to the Dover City Council; and

Whereas, Dover City Council conducted a public hearing on the proposed amendment on **?, ?**, 2018, in accord with Title 67, Chapter 65.

Now therefore,

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

Section 1.

Part A: Amending Chapter 6, Standards for All Zone Districts

Title 12 (Zoning Regulations) of Dover City Code is hereby amended to add a new section 12-6-18, "Recreational Vehicle Occupancy, Storage and Parking," which shall read as follows:

12-6-18: RECREATIONAL VEHICLE OCCUPANCY, STORAGE AND PARKING:

To protect the health, safety and welfare of persons occupying Recreational Vehicles (RVs) and to address the service and neighborhood impacts of such occupancy, the following standards shall apply in all zoning districts:

- A. A Recreational Vehicle (RV) is not considered a dwelling. Occupancy of a recreational vehicle (RV) on a lot or parcel shall not exceed twenty-one (21) days in any consecutive 12 (twelve) -month period, unless located within a permitted recreational vehicle park. The number of occupied RVs is limited to one such vehicle per lot or parcel.
- B. Occupancy shall mean eating, sleeping, living, cooking, or other use of the unit for human habitation.
- C. To protect the property rights of adjoining neighbors from snow and rain shed, fire hazards, and to retain solar access, the RV shall meet the following minimum setbacks, whether stored or occupied:
 - 1. Ten feet (10') Five feet (5') from rear and side property lines:
 - a. An administrative exception to the rear or side yard setbacks may be granted provided the landowner adjoining the subject yard provides written consent to allow the RV to be stored closer than the required setback.
 - 2. Up to zero (0) front yard setback, provided RV is parked or stored within a private driveway. RVs not parked or stored within a private driveway shall meet the minimum front yard setback requirements of the zoning district.
- D. To prevent street congestion and potential hazards, an RV shall not be parked or left standing on any public street or public parking area.
- E. An RV may be used as a temporary dwelling unit while a residence is under construction provided:
 - 1. A City of Dover building permit for a residence has been issued for the same site as the proposed RV temporary dwelling.
 - 2. The building permit for the residence remains active.
 - 3. The occupancy shall cease when the certificate or temporary certificate of occupancy has been issued for the residence or within 180 (one-hundred eighty days) of building permit issuance, whichever is less. The city building official may grant an occupancy extension when completion of the residence is delayed due to unforeseen circumstances such as weather, site development issues, or other events outside the control of the landowner. The extension shall not exceed 180 (one-hundred eighty days).
 - 4. Approved water and sewer provisions are available.
 - 5. The RV is equipped with egress windows, a smoke detector, and fire extinguisher.

Part B:

Appendix D, Section 12-13-4 of Dover Zoning Regulations, Title 12, Definition of "Dwelling Unit" is hereby amended and a new definition, "Recreational Vehicle (RV)," is hereby added to read as follows:

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, nor shall the term include recreational vehicles.

RECREATIONAL VEHICLE (RV): A motor home, travel trailer, truck camper, fifth-wheel trailer, a park model recreational vehicle (as defined by Idaho Code, titles 39 and 49), converted bus, van or

other vehicle, or camping trailer that is designed and used for temporary living quarters. The RV may be under its own power or be mounted or drawn by another vehicle. In no case shall a recreational vehicle be considered a dwelling.

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.

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. 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 ? day of ? , 2018, upon the following roll call vote:

ROLL CALL:

Council Member Brockway _____

Council Member _____

Council Member Evans _____

Council Member Strand _____

Approved by the Mayor this _____ day of _____, 2018.

City of Dover Mayor Annie Shaha

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 _____ day of _____, 2018, upon the following vote:

Council Member Brockway _____

Council Member _____

Council Member Evans _____

Council Member Strand _____

Approved by Mayor Annie Shaha this _____ day of _____, 2018.

City of Dover Mayor Annie Shaha

Attest: Michele Hutchings, City Clerk

DRAFT