

CITY OF DOVER, IDAHO
ZONING REGULATIONS (TITLE 12)
CHAPTERS 3, 5, 7 AND APPENDIX D
REGARDING PARKS & RECREATION FACILITIES

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DOVER, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING DOVER CITY CODE, TITLE 12 (DOVER ZONING REGULATIONS), CHAPTERS 3, 5, 7, AND APPENDIX D DEFINITIONS, TO: PROVIDE A PROCESS AND STANDARDS TO CONSIDER PRIVATE AND PUBLIC LOW- AND HIGH-INTENSITY PARKS AND RECREATION FACILITIES; CREATE AN ADMINISTRATIVE SITE PLAN REVIEW PROCESS; REMOVE PRIVATE PARKS AND RECREATION FACILITIES FROM THE COMMERCIAL USE TABLE AND PROVIDE NEW ENTRIES FOR THESE USES IN PUBLIC USES TABLE; PROVIDE DEFINITIONS FOR PARKS AND LOW- AND HIGH-INTENSITY PARKS AND RECREATION FACILITIES; AND TO PROVIDE A SAVINGS CLAUSE, SEVERABILITY, AND AN EFFECTIVE DATE.

Whereas, the Constitution of the State of Idaho, Article XII, Section 2, 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 Idaho Local Land Use Planning Act, Title 67, Chapter 65, sets forth the procedures for the adoption and amendment of land use codes; and

Whereas, Section 67-6518 of the Local Land Use Planning Act authorizes each governing board to adopt standards, including building design, yards, and other public and private development; and

Whereas, the adopted Dover Comprehensive Plan of 2017 calls for the City to identify land use procedures and processes for development of indoor recreational facilities and for private recreational services; and

Whereas, the City of Dover has initiated amendments to Title 12, Zoning Regulations, Chapters 3, 5, 7, and Appendix D Definitions to establish procedures to consider low- and high-intensity parks and recreation facilities; and

Whereas, the Dover Planning and Zoning Commission conducted a duly noticed public hearing on the proposed ordinance amendment, in accord with the Local Land Use Planning Act, Title 67, Chapter 65, on October 6, 2022, and did make a recommendation to the Dover City Council to approve the ordinance amendment as drafted; and

Whereas, Dover City Council conducted a public hearing on the proposed amendment on November 15, 2022, in accord with Title 67, Chapter 65 and voted to **approve/deny** the proposed ordinance as **written**.

Now therefore,

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

(Text to be added is shown with underline. Text to be removed is shown with ~~strikeout~~.)

Section 1. Adoption.

Part A: Amending the Public Use Table, Title 12, Section 12-5-6, Dover City Code to add rows for parks and recreation facilities and to clarify municipal recreation facilities, to read as follows:

12-5-6: PUBLIC USE TABLE:

P = Authorized; S = Specially permitted; [vacant] = Prohibited use

Use	Residential	Suburban	Rural Residential	Agriculture	Commercial
Municipal parks, public <u>municipal</u> recreation facilities	P	P	P	P	P
Museums	S	S	S	S	S
<u>Parks, recreation facilities, high-intensity, public or private</u>	<u>S¹</u>	<u>S¹</u>	<u>S¹</u>	<u>S¹</u>	<u>S¹</u>
<u>Parks, recreation facilities, low-intensity, public or private</u>	<u>P^{1,2}</u>	<u>P^{1,2}</u>	<u>P^{1,2}</u>	<u>P^{1,2}</u>	<u>P^{1,2}</u>
Public information, kiosk centers	P	P	P	P	P
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
Municipal facilities and structures, including administrative offices, services, and U.S. post office	P	P	P	P	P

Public Use Table Notes/Standards:

1. Subject to the specific standards of Section 12-7-5 of this title.
2. Subject to administrative site plan review requirements of Section 12-3-19 of this title.

Part B: Amending the Commercial Use Table, Title 12, Section 12-5-7, Dover City Code to remove the private parks, recreation facilities from the table to read as follows:

12-5-7: COMMERCIAL USE TABLE:

P = Authorized; S = Specially permitted; [vacant] = Prohibited use

Use	Residential	Suburban	Rural Residential	Agriculture	Commercial
Private parks, recreation facilities	S	S	S	S	S

Part C: Amending Title 12, Chapter 7, Dover City Code, to add a new Section 5 to read as follows:

12-7-5: PARKS AND RECREATION FACILITIES:

- A. Purpose: The purpose of this section is to provide standards and a process for permitting the use of land for private and public parks and recreational facilities to:
1. Protect property rights of landowners and the integrity of residential neighborhoods;
 2. Ensure public health, safety and welfare;
 3. Address impacts associated with parks and recreation uses and establish mitigation measures where warranted.
- B. Applicability and General Requirements: The standards of this section shall apply to all public and private parks and recreational facilities, except as otherwise provided by this title.
- C. The standards of this section do not apply to swimming pools, tennis or sports courts, or similar facilities developed as accessory uses to an individual residence or multi-unit residential development and are not open to the public.
- D. Low-Intensity Park and Recreation Facilities. Low-intensity parks and recreational facilities, as defined, are subject to the following standards:
1. The use is included in the low-intensity parks and recreation facilities definition or is similarly classified.
 2. The use is subject to the site plan administrative review procedures of Section 12-3-19.
 3. Use of the facility is limited to daylight hours only;
 4. The parking lot serving the use shall not exceed twenty (20) spaces, based upon the parking standards of Appendix A of this title.
 5. Overnight parking is prohibited.
 6. Use of motorized vehicles is prohibited, except for access to the site's parking area, facility maintenance vehicles, or motorized wheelchairs or similar power-driven vehicles for use by individuals with mobility disabilities.
 7. Development or minor modifications to the land may include shaping and grading of areas for pathways, placement of small accessory structures, or construction of berms and buffer areas. Minor modifications to the land shall generally mean land-disturbing activities not exceeding five thousand (5,000) square feet of area, new impervious surface not exceeding one thousand (1,000) square feet and fill or excavation not exceeding fifty (50) cubic yards.
 8. Development is subject to the stormwater provisions of Title 9, Chapter 4 of city code.
 9. Uses exceeding the low-intensity standards shall be considered high-intensity and are subject to the standards of Paragraph E of this section.
 10. Lighting of the site shall be limited to necessary illumination for emergency access, street intersections, or similar lighting required by the city.
 11. Noise produced by the activities or participants shall not be loud, excessive, or disruptive sounds produced by voices, instruments, electronic devices, machinery, animals, or other means that disturb the peace and quiet of any

- reasonable person of normal sensitivities. To be considered loud, the sound must be plainly audible one hundred fifty feet (150') from the source.
12. No retail sales are permitted on site except when allowed with a special event permit.
 13. The zoning administrator has the authority to classify the uses as low- or high-intensity based upon similar uses contained in the definitions of this title and the procedures for determination of new and unlisted uses at Section 12-6-2 of this title.
- E. High-Intensity Parks and Recreation Facilities. High-intensity parks and recreational facilities, as defined, are subject to the following standards:
1. The use is included in the high-intensity parks and recreation facilities definition or is similarly classified.
 2. The use is subject to the special use permit application and procedures of Chapter 10 of this title.
 3. The use is subject to the conditions of approval to mitigate potential effects on adjoining properties.
- F. Prohibited Parks and Recreational Facilities. Mud bogs, moto-cross, motorized racetracks and courses, or other similarly classified uses.

Part D: Amending Title 12, Chapter 3, Dover City Code, to add a new Section 19 to read as follows:

12-3-19: ADMINISTRATIVE SITE PLAN REVIEW:

- A. Site plan review. Where required by this title, various proposed types of development are subject to administrative site plan reviews to ensure new developments that are not subject to the public hearing process will meet applicable provisions of Dover City Code and address potential impacts to neighborhoods through mitigations measures.
- B. Application. A site plan review application and applicable fees shall be filed with the city clerk prior to any construction, placement, or use of a site that is subject to the site plan review requirements as noted in the use tables of chapter 5 of this title. The site plan application shall be completed on a form provided by the city and shall include:
1. A scaled drawing of the site showing the vicinity, all proposed structures, setbacks, parking, pathways and circulation, landscaping, signs, lighting, solid waste disposal, water and sewer services, drainage patterns, environmental impacts, fire protection, utilities, and other information determined by the city as necessary to properly assess the impact of the proposed development on the neighborhood and city services.
 2. A narrative addressing, but not limited to: the proposed use, hours of operation, expected traffic and attendance, compliance with zoning regulations, expected impacts to neighborhood and plans to mitigate potential impacts.
 3. A stormwater/erosion control application and plan, where applicable.
 4. Any additional information deemed necessary by the administrator for a thorough review of the proposed development.
- C. Review. The zoning administrator shall consider the site plan application using the procedures set forth at section 12-3-8 of this title. The administrator shall provide a copy of the application to affected agencies and may schedule neighborhood or agency meetings to review the proposal. Sufficient time shall be allowed for agency comment prior to issuing the final determination, not to exceed thirty (30) days, unless the administrator determines there are extenuating circumstances requiring the extension of the comment period.

- D. Notice. Prior to issuance of the site plan review decision, the city shall provide notice of the application to landowners within three hundred feet (300') of the subject property boundaries. Any public comment on the proposed use shall be based on whether it meets the standards of this title and suggested mitigation measures. The deadline to submit written public comment to the city clerk shall be fourteen (14) days from the date the public notice is mailed.
- E. Decision. The zoning administrator may approve, approve with conditions, or deny the application, based upon the following:
1. Compliance with zoning, floodplain, and stormwater/erosion control regulations;
 2. Adequacy of public and private services;
 3. Assurance that the proposed plan can be developed in accord with city land use regulations and service requirements;
 4. Ability to mitigate potential neighborhood impacts.
 5. Assurances that the proposed use can and will meet the standards for low-intensity facilities.
- F. Conditions. The administrator may impose conditions of approval to address zoning standards, health, safety or welfare issues, and impacts to the neighborhood that are a direct and proportionate cause of the development. Conditions may also be imposed to ensure the dedication or installation of improvements required by city service standards or other city regulations. No construction authorization, commencement of use, or building permit issuance shall occur until the site plan review is approved.
- G. Expiration. The site plan approval shall expire if development or use has not commenced within one year of the written decision. Prior to the expiration date, the applicant may seek an extension of up to one year, upon a showing of good cause as to why development has not commenced.
- H. Appeals. Any administrative decision made by the zoning administrator in the administration of this section may be appealed, subject to the procedures and standards of section 12-3-5 of this title.

Part E: Amending Appendix D, Definitions, Title 12, Section 12-13-4 of Dover City Code to add definitions for park, parks and recreation facilities low- and high-intensity to read as follows:

APPENDIX D: DEFINITIONS:

PARK: A public or privately owned area of land, with or without buildings, intended for outdoor active or passive recreation, scenic areas, natural areas, open space, community gardens, or similar facilities intended for public use.

PARKS AND RECREATION FACILITIES, LOW-INTENSITY: Site development for recreational activities or park that generally causes little or no modifications to the land other than for pedestrian or bicycle pathways and the associated parking areas, and creates minimal noise and traffic. Low-intensity park uses may include the following: pathways and trails of various surface materials, boat launches for non-motorized boats, minor accessory structures such as bathrooms, picnic tables, benches, gazebos, storage sheds, trail displays, trail signage and other accessory structures that do not significantly alter the land. Low- intensity forms of recreation or park development generally

include: hiking, horseback riding, walking, picnicking, bicycling, birdwatching, small outdoor courts without bleachers or spectator seating, cross-country skiing, non-motorized water sports, and similar recreational activities and parks in natural settings with limited impacts to surrounding neighborhoods due to noise, lights, or glare.

PARKS AND RECREATION FACILITIES, HIGH-INTENSITY: Site development for a park or recreational development that does not meet the standards and definitions of a low-intensity park or recreation facility and may cause significant impacts to neighborhoods by the development of structures to accommodate park or recreation facilities that are not minor accessory structures.

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 _____, 2022 upon the following roll call vote:

ROLL CALL:

Council Member Parkin _____
Council Member Hoffman _____
Council Member Glass _____
Council Member Bledsoe _____

Approved by the Dover City Mayor this _____ day of _____, 2022.

City of Dover Mayor
George E. Eskridge

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 _____, 2022, upon the following vote:

ROLL CALL:

Council Member Parkin _____
Council Member Hoffman _____
Council Member Glass _____
Council Member Bledsoe _____

Approved by the Dover City Mayor this _____ day of _____, 2022.

City of Dover Mayor
George E. Eskridge

Attest: Michele Hutchings, City Clerk