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AMENDMENT TO TITLE 11, BONNERS FERRY CITY CODE

ZONING REGULATIONS

REPEAL & REPLACE Gray highlight = NEW IN PART OR IN WHOLE

PART A: [FOR FUTURE INCLUSION IN ORDINANCE]

Title 11, Zoning Regulations, of the Bonners Ferry City Code, is hereby repealed in its entirety, and a new Title 11, Zoning Regulations, is hereby adopted to read as follows:

**TITLE 11
ZONING REGULATIONS**

**CHAPTER 1
AUTHORITY AND PURPOSE**

SECTION:

11-1-1: SHORT TITLE:

These regulations shall be known officially and cited as the Zoning Regulations of the City of Bonners Ferry, Idaho.

11-1-2: AUTHORITY:

- A. This title is adopted pursuant to the authority granted to the City of Bonners Ferry, Idaho, at Article XII, Section 2, of the Idaho Constitution, the Idaho Local Land Use Planning Act at Title 67, Chapter 65, and Title 50, Chapters 3, 9, and 13, as currently comprised or subsequently amended.
- B. The City Council, Planning and Zoning Commission, administrative staff, and agents of Bonners Ferry are vested with the authority to review, approve, approve with conditions, or deny applications, as specifically provided by this title.

11-1-3: PURPOSE:

The purpose of this title is to promote the health, safety, and general welfare of the people of Bonners Ferry by establishing land use standards and regulations, in accord with the adopted comprehensive plan, to:

- A. Protect property rights while making accommodations for other types of development such as low-cost housing and mobile home parks;
- B. Ensure that adequate public facilities and services are provided to the people at reasonable cost;
- C. Ensure that the economy of the city and its people is protected;
- D. Ensure that the important environmental features of the city are protected;
- E. Encourage urban and urban-type development within incorporated cities;
- F. Avoid undue concentration of population and overcrowding of land;

- G. Ensure development on land is commensurate with the physical characteristics of the land;
- H. Protect life and property in areas subject to natural hazards and disasters;
- I. Protect fish, wildlife, and recreation resources;
- J. Avoid undue water and air pollution;
- K. Encourage the school district to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis;
- L. Implement the goals and policies of the adopted comprehensive plan.

11-1-4: APPLICABILITY:

Provisions of this title shall apply to all properties within the incorporated boundaries of the City of Bonners Ferry, Idaho, to the extent permitted by law. Lands owned by the government of the United States of America shall be governed hereby only to the extent provided by federal law. Lands owned by the State of Idaho shall be governed hereby to the extent allowed by state law.

11-1-5: SCOPE:

- A. Uniform Application: The regulations of this title shall apply uniformly to each class or kind of structure or land, except as otherwise specifically provided.
- B. Interpretation In Case Of Conflict With Other Laws: The city does not intend for this title to impair or interfere with other regulations of state or local law, or with private restrictions on the use of land, improvements, and structures. Where this title imposes greater restriction than that imposed by other law or private restrictions, this title shall prevail.
- C. Conformity Required: No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified and for the zoning district in which it is located.
- D. Use: Any use not permitted by the provisions of this ordinance is prohibited.
- E. Interpretation Authority: Interpretation of this title may be reasonably made by the city staff and city council in the event its meaning may be unclear or ambiguous.
- F. Protection of Property Rights: The city of Bonners Ferry wishes to ensure that land use policies, ordinances, restrictions, conditions, and fees do not violate private property rights, adversely impact private property values, or create unnecessary technical limitations upon the use of the property that would constitute an unconstitutional taking of private property rights. Every final decision rendered concerning site specific land use request shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to Idaho Code.
- G. Minimum Requirements: In interpreting and applying the provisions of this act, the provisions hereof shall be held to be the minimum requirements adopted by the council for the promotion of the health, safety, morals, comfort and convenience of residents of the municipality and to promote the general welfare.

- H. **Existing Agreements:** This act does not alter or change an existing agreement between parties where this act imposes a greater restriction upon the height of buildings or requires larger lots or yards than are imposed or required by existing permits, easements, covenants, or agreements, but where there is such variation, then this act shall be liberally construed to promote the best interest and purpose of the public and the general welfare.
- I. **Existing Construction:** Nothing herein contained shall require any change in the principal construction or designated use of a building for which a permit has been heretofore issued, and the construction of which such building shall have been actually begun at the time of the passage of this act. If any area in any particular zone is hereafter transferred to another zone by change in zone boundaries, the provisions of this section with regard to buildings or premises then existing, or building permits then issued at the time of the adoption of this act shall apply to buildings or premises existing or building permits issued in such transferred area at the time of such transfer.

DRAFT

CHAPTER 2 DEFINITIONS

SECTION:

11-2-1: INTERPRETATION:

For the purpose of this title, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- B. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.
- C. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."
- D. Words used in the present tense shall include the future.
- E. Words or phrases used in the singular number shall also include the plural and words used in the plural shall also include the singular.
- F. The words he, she, man, woman, or they are synonymous.
- G. Where words are not defined, they shall have their ordinary, accepted dictionary meaning within the context in which they are used.
- H. For the purpose of this title, the following words or terms shall have particular meaning as stated:

11-2-2: DEFINITIONS:

ACCESSORY DWELLING UNIT: A smaller, secondary dwelling on the same lot or parcel as the primary dwelling that is independently habitable and provides the basic requirements of a residential shelter, including heating, cooking, and sanitation.

ACCESSORY STRUCTURE: A building that is incidental and subordinate to that of the main building or use of land and that is located on the same lot or parcel and under the same ownership in all respects.

ADMINISTRATOR, ZONING: An official who has knowledge in the principles and practices of zoning who is appointed by the mayor and confirmed by the council to administer this title.

ADULT BUSINESS: Any business providing, displaying, or offering for sale obscene matter, material, or conduct as defined by Idaho Code §18-4101 and as regulated by the State of Idaho at Title 18, Chapter 41 and Title 67, Chapter 65 of Idaho Code.

ALLEY, PUBLIC: A right-of-way providing secondary access at the back or side of a property otherwise abutting a street.

AMUSEMENT CENTER:

- A. **Indoor:** The provision of entertainment, games of skill, recreation, video arcades, pool or billiard hall, roller or ice skating, simulated golf or similar uses wholly enclosed within a building.
- B. **Outdoor:** A commercially operated park or facility conducted outdoors and associated support structures, including skating rinks, batting cages, zip-lines, paint ball range, carousels, and similar recreation and amusement uses.

APARTMENT: A room or suite of rooms in a multiple-family structure for rent, lease, or sublet that are within a residential structure designed and constructed to contain three (3) or more independent, self-contained dwelling units. See definition of Dwelling, Multi-Family.

ART STUDIO: A structure, or portion thereof, used as a place of instruction or work by artists to include graphic and visual arts, music, voice, sculptures or similar arts.

ASSISTED LIVING FACILITY: An establishment that provides living quarters and a variety of limited personal care and supportive health care to individuals who are unable to live independently due to age, physical, or mental conditions, but who do not need the skilled nursing care from an extended care or long-term care facility. Such facilities may include individual living units within a structure but do not include facilities defined as single-family dwellings pursuant to Idaho Code §67-6531.

AUCTION FACILITY: A facility where items are sold by bid.

AUTOMOTIVE FUEL STATION: The sale and supply of motor fuel and lubricating oils. May also include convenience retail use such as a drive-in and self-service.

AUTOMOTIVE REPAIR FACILITY: The repair, rebuilding or reconditioning of motor vehicles, or parts thereof, including collision service, painting and steam cleaning of vehicles for profit. Can include the sale of tires, batteries, and automotive accessories together with other related services, including minor motor vehicle repair.

AUTOMOTIVE WASHING FACILITY: An establishment that provides self- service or drive-through washing facilities for cars, trucks, recreational vehicles, or other similar vehicles.

AUTOMOTIVE WRECKING YARD: Any area, lot, land, or parcel where more than two (2) motor vehicles without current registration or more than two (2) inoperable or dismantled motor vehicles that are not in operating condition (or parts thereof) are: a) standing more than thirty (30) days, b) dismantled, or c) stored. The following uses are excluded from this definition: agricultural equipment on a farm or personal vehicles stored or dismantled within a completely enclosed structure. For the purposes of this definition the term "inoperable" means the motor vehicle cannot move under its own power or does not meet the minimum legal requirements necessary for the motor vehicle to be operated in a safe and lawful manner upon the roads and highways in the state of Idaho as set forth in the motor vehicle laws of the state of Idaho.

BANKS/FINANCIAL INSTITUTIONS: A business whose primary function is to provide financial transactions to the public at large as allowed by state and federal law.

BAR: An establishment for which a license is required and the principal business is the sale of alcoholic beverages to be consumed on premises, but does not include restaurants where the principal business is serving food. This definition includes taverns or lounges.

BARBERSHOP/STYLING SALON: An establishment where the following services are allowed by licensed professionals: haircutting, shampooing, shaves, perms, hair coloring, manicuring, tanning booths including cosmetology of hair and makeup.

BASEMENT: The bottom floor of a dwelling unit, all or partly underground, having at least one-half (1/2) of its height below the average level of the adjoining ground.

BED AND BREAKFAST: An owner-manager run facility providing up to six (6) rooms for temporary overnight accommodations, and where the owner-innkeeper is resident on the property. A bed and breakfast provides breakfast for overnight guests, but does not provide a restaurant or bar.

BOARDING HOUSE: A building, other than a hotel or motel, where meals and/or lodging are provided with or without compensation, to more than two (2) but less than twelve (12) unrelated persons. A boarding house shall include, but not be limited to, a rooming house, shelter, convent, monastery, dormitory, fraternity, sorority, etc.

BUILDABLE AREA: The space remaining on a lot after the minimum open space requirements, including setbacks, have been deducted from the area available for building.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

BUILDING, ACCESSORY: A subordinate building detached from, but located on, the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

BUILDING OFFICIAL: The officer or person charged with the administration and enforcement of the provisions of this title as it relates to the enforcement of any building code, fire regulations, setback regulations or health regulations that have been or shall be adopted by the Council.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated. Every dwelling in any residential district is a principal building.

BUILDING SUPPLY OUTLET: A retail wholesale establishment selling any and all building materials used in construction.

CAMPGROUND: An area or ground on which tents, buildings, cabins, spaces, or recreational vehicles either temporary or permanent are provided for temporary shelter, lodging or accommodation.

CEMETERY: A place dedicated to, used and intended to be used for the permanent interment of the human dead, and shall include a burial plot for earth interments, and may include a mausoleum for vault or crypt interments, a crematory, or a crematory and columbarium for cinerary interments, or any combination of one (1) or more of the above.

CHILDCARE FACILITY: Any facility where children regularly receive care and supervision, usually unaccompanied by the children's parents, guardians or custodians, and regardless of whether the facility does or does not provide any instruction. This use excludes the case of: a) the operator's children or legal wards or children related by blood or marriage, b) occasional personal guests, and c) children aged twelve (12) and over. Any home, place, or facility providing overnight custodial services for lodging or boarding for the occupants therein shall not be considered a "childcare facility."

There are three (3) types of childcare facilities:

- A. In-home family daycares: A childcare facility for six (6) or fewer children.
- B. Group daycare facility: A childcare facility for seven (7) to twelve (12) children.
- C. Daycare center: A childcare facility for thirteen (13) or more children.

CHURCH: A facility used for religious worship.

CLUB OR LODGE: A building, premises or portion thereof that houses an auxiliary, fraternal, or veterans' organization as defined by Idaho Code section 23-902.

COMMERCIAL USE OR BUSINESS: The purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for livelihood or profit, or the ownership or management of office buildings, offices, recreational or amusement enterprises or the maintenance and use of offices by professions and trades rendering services.

COMMISSION: The Planning and Zoning Commission appointed by the Council.

COMPREHENSIVE PLAN: The plan for the City of Bonners Ferry, Idaho, consisting of the goals, objectives, policies, maps and the components or elements that are adopted by the Council. The plan shall serve as a guide for development.

CONCRETE BATCH PLANT: An establishment that combines cement, sand and gravel to produce concrete.

CONDOMINIUM: An apartment house, office building, or other multiple-unit complex, or structure that has been divided into separate interests in airspace together with undivided interest in common in real property through the Idaho Condominium Property Act.

CONVENIENCE STORE: A neighborhood store engaging primarily in the sale of basic food items. Nonfood items may also be sold provided they are considered everyday convenience goods.

COUNCIL: The city council of Bonners Ferry, Idaho.

COMMUNICATION FACILITY, WIRELESS/CELL TOWER: The collective components of an unstaffed facility and its support structures for the transmission and/or reception of radio frequency, microwave or other signals for commercial communication purposes, including towers, antennas, antenna arrays, equipment shelters, equipment cabinets, transmission cables, a support structure required to generate, transmit, or receive communication signals.

CONTRACTOR YARD: Any land or buildings used primarily for the storage of equipment, vehicles, machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades, hauling, excavation, demolition, or similar activities.

CUL-DE-SAC: A street opening at one end and having a turnaround at the other end.

DEVELOPMENT: Any manmade change to improved or unimproved property, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DOMESTIC LIVESTOCK, SMALL FARM ANIMALS: Chickens (hens only) and rabbits, not raised for commercial use and subject to the specific standards of the zoning district where allowed.

DRUGSTORE: A store where medical prescriptions are filled and drugs and medical supplies are sold. A drugstore may also sell a variety of other merchandise.

DWELLING: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, but not including a recreational vehicle, motor home, trailer coach, automobile chassis, tent, or portable building, not designed or constructed to meet Idaho residential building codes, such as a shipping container.

DWELLING, COTTAGE: A single-family detached dwelling unit within a cottage housing development that is clustered around common open space.

DWELLING, MULTI-FAMILY: A dwelling consisting of three (3) or more dwelling units including townhouses and condominiums with varying arrangements of entrances and party walls.

DWELLING, PRIMARY: A separate, complete dwelling unit that is the larger of the dwelling units when a single-family residential site development plan proposes or contains an accessory dwelling unit.

DWELLING, SINGLE-FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING, TWO-FAMILY, DUPLEX: A dwelling, consisting of two (2) dwelling units that may be either attached side by side or one above the other.

EASEMENT: A right of use over and under the property of another.

ENTERTAINMENT FACILITIES: Any profit making activity that is generally related to the entertainment field such as theaters, carnivals, nightclubs, cocktail lounges and similar entertainment activities.

FABRICATION SHOP: An establishment in which welding work, machining to size, assembling of materials and converting one form of metal into another to produce products and structures.

FACADE: The front or chief face of a building.

FARM EQUIPMENT SALES AND SERVICE FACILITY: Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching. Heavy equipment sales are included in this category.

FARM: Buildings and premises used for the raising and processing of agricultural products. A farm is greater than five (5) acres in size.

FENCE: An enclosure or barrier, such as wooden posts and rails, masonry, stone, wire, iron, or other such common fencing materials used as a boundary or enclosure for privacy, protection, or confinement, but not including hedges, shrubs, trees, or other vegetation. Materials such as scrap or junk materials such as tires, vehicle parts, broken glass or similar materials, shall not be used for fence construction.

FOOD STAND OR FOOD TRUCK: A temporary structure or vehicle used for a retail business of selling food.

GARAGE OR STORAGE BUILDING (PRIVATE): An enclosed accessory building designed for private storage or parking of noncommercial vehicles. A private garage attached to or part of the main building is considered to be part of the main use.

GARDEN, COMMUNITY GARDEN: A private or public space for cultivation of flowers, vegetables, fruits, and ornamental plants, and including customary gardening structures such as hoop houses, non-commercial greenhouses, tool sheds, or potting sheds.

GOLF COURSE: An area of land laid out for the game of golf with a series of nine (9) or eighteen (18) holes each including tee, fairway and putting green and often one or more natural or artificial hazards.

GOLF DRIVING RANGE: An area of land equipped with distance markers, clubs, balls and tees for practicing golf drives.

GOVERNMENT OFFICE: An enterprise or office authorized by a federal, state, local or foreign government to conduct public business and assistance as provided in applicable federal, state, or local code, or constitution.

GRADE:

- A. The degree of inclination of a slope, roadway, or other surface,
- B. A slope or gradual inclination, and
- C. The elevation of the finished surface of the ground adjacent to the midpoint of any exterior wall of a building or structure.

GREENHOUSE: A building whose roof and sides are made largely of transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants, and for public sale.

HEALTH AUTHORITY: The local district health department or state department of health and welfare that has jurisdictional authority.

HEIGHT, BUILDING: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof peak, parapet wall, or structural feature. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, bell towers, smokestacks, tanks, water towers, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances shall not be included in the measurement of vertical dimensions.

HISTORIC PRESERVATION: The research, documentation, protection, restoration and rehabilitation of buildings, structures, objects, district, areas, and site significant in the history, architecture, archaeology or culture of this community, the state, or the nation and so designated by the city council.

HISTORIC PROPERTY: Any building, structure, area or site that is significant in the history, architecture, archaeology or culture of this community, the state, or the nation and so designated by the city council.

HOME-BASED BUSINESS: An occupation, profession, or activity which is clearly incidental and secondary to the use of the premises as a residence, and which is carried on wholly or in part within a main building or accessory building, as authorized by an approved special use permit and in accord with the standards of this title.

HOME OCCUPATION: An occupation, profession, or activity which is clearly incidental and secondary to the use of the premises as a dwelling and which is carried on wholly or in part within a main building or accessory building by members of the family who reside on the premises.

HOSPITAL: An institution licensed by the state and as defined in Idaho Code section 39-1301.

HOTEL: An establishment that provides lodging to the public for compensation and is open to transient guests but excluding boarding houses and "bed and breakfast" establishments as herein defined. A motel shall not be deemed to be a hotel.

IMPERVIOUS SURFACE, IMPERVIOUS COVERAGE: The amount of area covered by hard surfaces that either prevents or retards the entry of stormwater into the soil mantle under natural conditions or a hard surface that causes water to run off in greater quantities or at an increased rate of flow as compared to conditions prior to construction. Impervious surfaces include rooftops, driveways, parking lots, paved or graveled roads, patios, walkways, or other such surfaces.

INDUSTRY, HEAVY: Industrial uses which are generally major operations and extensive in character, require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.

INDUSTRY, LIGHT: Manufacturing or other industrial uses, which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures and generating little industrial traffic and no nuisances.

INSTITUTION: An establishment which aids individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

JUNKYARD: See definition of Wrecking Yard.

KENNEL: Any lot or premises or portion on which more than three (3) dogs, cats and other household pets are maintained, harbored, possessed, boarded, bred, or cared for, in return for compensation or kept for sale.

LAUNDROMAT: An establishment that provides washing, drying, and/or ironing of clothing or cloth items in machines for hire.

LAUNDRY: An establishment that provides washing, drying and/or ironing services to retail customers.

LIBRARY: Any establishment or building set aside for the repository or retrieval of information, available for the public or patrons to make use of for all kinds of research and reading.

LOT: A platted unit of land recorded with the county in the book of plats, pursuant to the Idaho surveying and recording standards for plats.

LOT, CORNER: A lot located at the intersection of two (2) or more streets.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated in this section.

LOT, INTERIOR: A lot which abuts only one street.

LOT, MINIMUM AREA OF: The area of a lot that excludes any portion of the right of way of any public or private street.

LOT OR PARCEL OF RECORD: A lot which is a part of a subdivision recorded in the office of the county recorder or a parcel described by metes and bounds, the description of which has been so recorded.

LOT, THROUGH: A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

LOT, WIDTH: A measurement of the distance between the property side lines calculated at the rear of the required front yard setback line.

MACHINE SHOP: A place where lathes, presses, grinders, shapers, and other metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops and other similar non-vehicular repair shops.

MANUFACTURED HOME: A structure, constructed to HUD/FHA standards, transportable in one or more sections, that in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, where erected on site, is 320 square feet or more, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation where connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

MASTER PLAN: A to-scale drawing and support documents detailing a proposed development and methods to achieve the proposed project design, including: the subject site dimensions, topography, hazardous areas, requested variations to standards, service features, vehicle and pathway connections, housing types, proposed uses, landscaping, stormwater features, parking, common areas, building layout, and other development details that are essential or required elements of the plan.

MANUFACTURED HOME PARK: Any site or tract of land under single ownership whereupon three (3) or more manufactured or mobile homes are placed, located and maintained for dwelling purposes on a permanent basis.

MEDICAL CLINIC: A building used for the care, diagnosis, and treatment of persons who seek medical/surgical attention. This does not include medical care facilities, which provide board, room or regular hospital care and services.

MOBILE HOME: A structure similar to a manufactured home, but built prior to the federal manufactured housing and safety standards act (HUD code) of June 15, 1976.

MODULAR BUILDING: Any building or building component, other than a manufactured home, which is constructed according to standards contained in the International Building Code, as adopted, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

MORTUARY: Any establishment or building utilized for the temporary repository of human remains after death.

MOTEL: A building, or group of buildings on the same premises whether detached or in connected rows, containing sleeping or dwelling units independently accessible from the outside, with garage

space or parking space located on the premises, and designed for, or occupied by, travelers. This term includes, but is not limited to, any buildings or building groups designated as motor lodges, tourist courts or by any other ordinance or sign intended to identify them as providing lodging to motorists.

MUSEUM: Any establishment or building utilized for the public display of artifacts or objects of interest to the public.

NIGHTCLUB: Any establishment or building that provides live or recorded music and/or a dance area for patrons to gather inside in the evening and nighttime hours where food and/or alcohol in any form may or may not be served.

NONCONFORMING BUILDING: A building or structure or portion that was lawfully constructed under the land use regulations in effect at the time of construction but does not meet the current standards of the district in which it is located, such as height, area, setbacks, or other zoning standards.

NONCONFORMING LOT OR PARCEL: A lot or parcel that was lawfully created under the land use laws in effect at the time of its creation but does not conform with current land use laws for area, street frontage, size, design, or other land use standards.

NONCONFORMING USE: A use of the land, structure, or premises in combination with a use that does not currently conform with the use regulations for the zoning district in which it is located, but met the land use laws in effect at the time of its establishment.

NURSING FACILITY, SKILLED. EXTENDED OR LONG-TERM CARE FACILITY: A home or facility for the care and treatment of more than eight (8) people, equipped for extended or long-term nursing services for individuals who require prolonged or ongoing medical care, assistance with activities of daily living, and rehabilitation services.

OPEN SPACE: A common area platted as a separate lot, or an area dedicated to and accepted by the city or other governmental entity. A portion of a development, which remains predominantly undeveloped and may include natural resource areas, prime agricultural land, garden plots, greenways, lawns, and recreation areas.

PARAPET OR PARAPET WALL: That portion of a building wall that rises above the roof level.

PARCEL: A tract of land in single ownership, considered a unit for purposes of development.

PARK: Any private or public land, with or without buildings, intended for public outdoor active or passive recreational use.

PARKING AREA/LOT (PRIVATE): An open graded, surfaced or unsurfaced area, other than a street or public way, designed, arranged and made available for the temporary storage of automobiles of occupants or customers of the building or buildings for which the area is developed and is necessary and accessory.

PARKING AREA/LOT (PUBLIC): An open graded, surfaced or unsurfaced area, other than a street or public way, to be used for temporary vehicle storage of operable passenger automobiles and commercial vehicles and can be available to the public for a fee.

PARKING SPACE: A usable space within a public or private parking area/lot or a building, either within a structure or in the open, exclusive of driveways or access drives for the parking of motor vehicles.

PARKLET: A public seating platform that conforms to specific standards as outlined within city code, which converts curbside parking spaces into community spaces. Also known as street seats or curbside seating, a parklet is the product of a partnership between the city and local businesses.

PAWNSHOP: An enclosed building where all business is conducted for the loaning of money, purchase, sale or exchange of used items.

PERSONAL SERVICES: Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors and similar activities.

PHOTOGRAPHIC STUDIO: Any establishment or building utilized for the creation and/or production of pictures on photographic or electronic media.

PRINCIPAL PERMITTED USE: The main use of land or building as distinguished from a subordinate or accessory use.

PROFESSIONAL OFFICES: Offices and related spaces maintained and used as a place of business, such as doctors, dentists, engineers, attorneys, architects, interior decorators, accountants and other persons providing professional services.

PUBLIC UTILITY FACILITY OR STRUCTURE: A public facility and associated structures for the purpose of supplying services or utilities to the public, such as water, sewer, or gas pumping stations; power substations; major transmission line; municipal wastewater collection and treatment facility; park-and-ride lots; water reservoirs or tanks; storm drainage facility and storm detention facilities; and similar uses.

PUBLIC USES: Public areas shall include, but not be limited to, parks, schools, administrative and cultural buildings and structures, bike paths, and public safety facilities such as police, fire, or emergency medical facilities, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC UTILITY YARD: A yard where facilities such as utility shops, garages, or storage areas are located that are owned and operated by a public utility.

RADIO STATION: A facility that broadcasts audio over the airwaves, which is properly licensed. This does not include the tower.

RECREATION VEHICLE (RV): A portable structure primarily designed as temporary living accommodation for recreational, camping, and travel use.

RECREATIONAL VEHICLE (RV) PARK: A premises upon which two (2) or more parking sites are located, established or maintained for occupancy by recreational vehicles for temporary use for recreation or vacation purposes.

RECYCLING OPERATION: An establishment that is not a junkyard and in which recoverable resource materials, such as paper products, glassware and metal cans, are collected, sorted, flattened, crushed or bundled within a completely enclosed structure prior to shipment to others who use such resource materials to manufacture new products. The definition does not include the recycling or recovery of asphalt, oils, shingles, or other such petroleum or chemical-based products.

RESIDENTIAL CARE FACILITY: A residential establishment, licensed by the Idaho state department of health and welfare, shared by more than eight (8) dependent individuals, where twenty four (24) hour care, maintenance and supervision are provided by a resident staff. Said establishment shall not be considered a daycare facility, retirement home, convalescent home, but may serve as an intermediate facility to those establishments.

RESTAURANT: Any land, building, or part thereof, other than a boarding house, where meals are provided for compensation, including, but not limited to, cafe, cafeteria, coffee shop, lunchroom, tearoom, outdoor dining, dining room, and drive-in.

RETAIL SALES ESTABLISHMENT:

- A. Large: Retail operations that carry an assortment of merchandise, and include, but are not limited to stores or establishments such as grocery store, department store, discount store, farm store, auction house, sporting goods store, and similar establishments with a floor area generally exceeding 10,000 square feet;

- B. Medium: Retail operations with a floor area generally between 4,000 square feet and 10,000 square feet and engaged in the sale or rental of goods for consumer or household use but excluding animal sales or services, building materials supplies, sales, or rental. Typical establishments include drug store, convenience store, clothing store, small appliance store;
- C. Small/Specialty: Establishments generally of less than 4,000 square feet of floor area engaged in the sale or rental of goods for consumer or household use; excluding animal sales or service. Typical products include the sale or rental of goods or merchandise to the general public for personal or household consumption or to services incidental to the sale or rental of such goods or merchandise. Specialty retail sales include retail operations that specialize in merchandise such as, but not limited to, apparel, jewelry, books, shoes, stationery, antiques, bakery shop, deli, ice cream shop, and similar establishments.

RETAIL SALES AND SERVICES: A place where a consumer in person can purchase commodities and/or services. May also include mail order sales and dispatch of repair personnel.

RIGHT OF WAY: Land dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by topography or treatment such as grade separation, landscaped area, utilities and bridges.

ROADSIDE STAND: A booth, stall, or temporary structure designed or used for the display or sale of agricultural and related products, the majority of which have been grown on adjacent land or purchased for sale to the public.

SCHOOL: An institution of learning either publicly or privately supported.

SERVICE BUILDING: A building housing restroom facilities, with wastewater, sink and laundry facilities with bath or shower accommodations.

SETBACK: The space on a lot required to be left open and unoccupied by buildings and structures, either by the front, side, or rear yard requirements of the ordinance or by delineation on a record subdivision map.

SHOPPING CENTER: A group of three (3) or more retail sale establishments, attached or detached, that are planned, developed, owned and/or managed as units related in location, size and type of shops to the trade area the unit serves.

SHORT-TERM RENTAL: "Short-term rental" or "vacation rental" means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, or owner-occupied residential home that is offered for a fee and for thirty (30) days or fewer. Short-term rental or vacation rental does not include a unit that is used for any retail, restaurant, banquet space, event center or another similar use.

SIDEWALK: The portion of the road right of way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN, OFF PREMISES: Signs located on a separate parcel of land or a separate site from the place where the product, service or business is located.

SIGN, ON PREMISES: Signs located on the same parcel of land or the same site as the place where the product, service or business is located.

SIGNS:

A. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

B. Any identification, description, illustration, symbol, statue or device, illuminated or nonilluminated, which is visible from any public place designed to advertise, identify or convey information, including any landscaping where letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and state or national flags.

SMALL ENGINE REPAIR SHOP: A place that repairs small equipment such as lawn mowers, tillers, weed eaters, chainsaws, and small recreational vehicles less than thirty (30) horsepower.

STOCKYARD: Any area of land, structure, pen, or corral wherein cattle, horses, sheep, goats, and swine are maintained in confined quarters for the purpose of fattening such livestock for final shipment to market.

STORAGE FACILITY: A structure or group of structures with a controlled access and fenced compound that contains individual, compartmentalized, or controlled units that are leased or sold to store material (including, but not limited to, goods, wares, merchandise, or vehicles).

STREET, PUBLIC: A public right of way that provides vehicular, walking, biking, or other multi-modal access to adjacent properties, the dedication of which has been officially accepted by the city of Bonners Ferry. The term "street" also includes the terms "highway," "thoroughfare," "parkway," "road," "avenue," "boulevard," "lane," "place," and other such terms.

STRUCTURE: Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, manufactured homes, and billboards, but not including fences or walls used as fences not exceeding seven feet (7') in height, when measured from pre-development elevations.

SUPPLY YARDS: A commercial establishment storing and offering for sale building supplies, coal, heavy equipment, feed and grain, and similar goods.

TELEVISION STATION: A facility that broadcasts audio and video over the airwaves, which is properly licensed. This does not include the tower.

TOWER: A structure and associated equipment for the purpose of commercial radio, television, telephone, paging, or satellite reception and/or transmission.

TOWER, CELL: A free-standing structure that is attached to the ground, a rooftop, or other structure that is used for the installation and operation of wireless communication facilities, including monopoles, lattice towers, guy-wire supported towers, or other similar structures.

TOWNHOUSE, TOWNHOUSE LOT: Single-family attached unit in structures housing three or more dwelling units, contiguous to each other by a common bearing wall, each with separate entrances and legally divided into separate ownerships that includes individual ownership of front and back yards.

VEHICLE SALES FACILITY: Premises where new or used passenger automobiles, trailers, trucks, or recreation vehicles in operating condition are displayed in the open or on sales floor for sale, trade, rental, and repair.

TRUCKING TERMINAL YARD: An establishment or area where freight (brought by truck) is transferred. The terminal facility may include storage or repair areas for trucks.

USE: The specific purpose for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

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, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an

applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis and treatment of animals, which may include overnight accommodations on the premises.

WALKWAY: A public way for pedestrian use only, whether or not along the side of a road.

WALL: A continuous structure designed to enclose an area.

WAREHOUSE/WAREHOUSING: An enclosed facility where raw materials and finished goods are received, stored, and distributed to customers for sale at other locations.

WATERPARK: A large, outdoor area with water features such as swimming pool, water slides, splash pad, wave pools, and other such water-based attractions open to the general public and exceeding four thousand (4,000) square feet of facilities, structures, and parking.

WHOLESALE: Establishment primarily engaged in selling and/or distributing merchandise to retailers or to industrial/commercial end users, or other wholesalers. This is not considered a general commercial or retail use.

WOODWORKING SHOP: Establishments where wood is modified and finished products are sold.

WRECKING YARD: An outdoor space, whether commercial or noncommercial, where waste and discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored or handled, including, but not limited to, wrecking yards, house wrecking yards, used lumberyards and places for storage of salvaged house wrecking and structural steel materials and equipment.

YARD, SETBACK

Corner Yard Setback: An unoccupied space on a corner lot that is not the primary access point for the property.

Front Yard Setback: An unoccupied space extending across the full width of a parcel or lot that abuts a street or access easement that is the primary access for the property. Property fronting on parallel streets shall be deemed to have two (2) front yards. Property on intersecting streets shall have one front yard determined by the primary access point and a corner lot yard. The front yard property line for property fronting on a public prescriptive right-of-way shall be considered twenty-five feet (25') from the centerline of the existing road for purposes of measuring the required setback.

Rear Yard: An open unoccupied space on the same lot or parcel as the structure that is most opposite the front yard. For triangular lots, the rear yard shall be measured from the apex of the triangle.

Side Yard: An open unoccupied space on the same lot or parcel as the structure that is generally perpendicular to the front and rear yards. Any yard not defined as front or rear shall be considered a side yard.

WRECKING YARD: An outdoor space, whether commercial or noncommercial, where waste and discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored or handled, including, but not limited to, wrecking yards, house wrecking yards, used lumberyards and places for storage of salvaged house wrecking and structural steel materials and equipment.

YARD SALE: A temporary sales activity at a private residence. The use is not considered a commercial activity if not of greater frequency than twice in a calendar year, not exceeding three (3) consecutive days.

ZONING PERMIT: A permit that requires approval by the Administrator, including but not limited to, building permits, administrative reviews and site plans, as applicable.

CHAPTER 3

ADMINISTRATION AND ENFORCEMENT

SECTION:

11-3-1: PLANNING AND ZONING COMMISSION:

The City has established a Planning and Zoning Commission and set forth the Commission's organization, rules, meetings, appointments, and duties at Title 2 of city code. The Commission has the authority and responsibility to perform the duties set forth in the Idaho Local Land Use Planning Act and this title.

11-3-2: ZONING ADMINISTRATOR

This title shall be administered by the zoning administrator or designee, who shall be appointed by the mayor and confirmed by the council and shall have the following duties and authority:

- A. Advise interested persons regarding zoning and subdivision ordinance provisions;
- B. Notify the public and media of pending public hearings and actions, as required by law;
- C. Advise applicants regarding required applications and ordinance compliance;
- D. Administer and issue land use and development permits, notifications and similar administrative duties as set forth in this title;
- E. Investigate possible violations of this ordinance and take the actions necessary and appropriate to remedy such violations;
- F. Assist the Planning and Zoning Commission and city council in implementing the provisions of this ordinance;
- G. Coordinate with other departments and public agencies concerning all permits that may be required by this title;
- H. Perform other planning duties as assigned by this title or at the request of the city council or city administrator.

11-3-3: APPEALS:

Any final, written administrative decision made pursuant to this title shall be considered final unless appealed by an affected person to city council, pursuant to the following procedures:

- A. A written appeal, containing the grounds for such an appeal and any supporting documents, shall be filed with the city clerk, along with applicable fees, within fifteen (15) days of the issuance of the final, written administrative decision. Failure to file the appeal in a timely manner with proper fees shall cause an automatic dismissal of the claim.
- B. Upon receipt of the properly filed appeal, the city, shall schedule the matter for consideration by the city council at a regular or special meeting within thirty (30) days, allowing sufficient time for proper meeting notice. Copies of the appeal shall be provided to the council and city staff affected by the appeal.
- C. The city council shall consider the appeal and provide an opportunity for the appellant, appellant's representative, affected staff, and interested parties to present relevant information regarding the matter.

- D. The city council may reverse, modify, or affirm, in whole or in part, the administrative decision, or may table the matter to another meeting to allow time for additional information or further deliberations. The final decision shall not grant a special privilege or provide an exception to the regulations of this title.
- E. The city shall notify the appellant in writing of the council's decision.
- F. The council's decision is final, and any further recourse shall be as provided by Idaho Code, Title 67, Chapter 65.

11-3-4: MEDIATION:

Mediation: Mediation of planning and zoning issues may be provided in accordance with Idaho Code section 67-6510.

11-3-5: FEES:

All fees for the administration and enforcement of this title shall be set by resolution of the city council and shall be nonrefundable. No action shall be taken on any application or appeal until required fees are paid in full.

11-3-6: VIOLATION AND ENFORCEMENT:

- A. Any development, occupation, construction, action, or inaction that is contrary to the requirements of this title or Idaho Code shall be declared a violation. No person, entity, agent, contractor, landowner, tenant, or other authority shall proceed with the development, occupation, construction or other act until the requirements of this code have been satisfied.
- B. The violation of any of the provisions of this act or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. Any person, entity, agent, contractor, tenant, or landowner who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense.
- C. The city attorney, in addition to taking whatever criminal action deemed necessary, has the authority to take steps to civilly enjoin any violation of this act.
- D. The adoption of this title shall not in any manner affect the prosecution for violations of zoning codes committed prior to the effective date hereof or be construed as a waiver of any license or penalty due to the city under such ordinances.

CHAPTER 4

ZONING DISTRICTS AND MAP

SECTION:

11-4-1: ZONING DISTRICTS ESTABLISHED:

Zoning districts are hereby established for all real property lying within the corporate city limits of Bonners Ferry. The official zoning map adopted by the city creates the zoning district boundaries and zones, rezones, and re-establishes zoning district classifications and the boundaries for each zoning district for all real property lying within the city. The regulations established by this title for each district shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land use, as set forth by this title. The zoning district descriptions and map symbols are established as follows:

11-4-2: ZONING DISTRICTS AND MAP SYMBOLS:

ZONING DISTRICT NAME	MAP SYMBOL
Residential A	RES-A
Residential B	RES-B
Residential AB	RES-AB
Mixed Use	MX
Commercial	C
Downtown	D
Medical	M
Light Industrial	LI

11-4-3: ZONING DISTRICT PURPOSES AND GENERAL STANDARDS:

- A. Residential A (RES-A) Residential Single-Family. Purpose: The purpose of this zone is to provide for single-family residences, accessory dwelling units, residential accessory structures, home occupations, and other uses and structures generally associated with moderate- to larger-sized residential lots, consistent with the specific standards of this title. This zoning district is generally appropriate for lands designated as Residential Single Family on the city's adopted comprehensive plan future land use map. The following general standards shall apply to the Residential A zone:

1. General Standards Table for Residential A:

Requirement	Standard
Minimum site area for newly created lots or parcels	12,000 square feet
Number of primary residential dwellings permitted per lot or parcel	One

B. Residential B (RES-B) Residential Low Density. Purpose: The purpose of this zone is to provide for single- and two-family residences, accessory dwelling units, residential accessory structures, and home occupations. Opportunities for townhomes and cottage housing developments that are appropriately scaled for the neighborhood are provided, subject to the specific standards of this title for these uses. Public and community uses could include schools, churches, and public utility services. This zoning district is generally appropriate for lands designated as Residential Low Density on the city's comprehensive plan future land use map. The following general standards shall apply to the Residential B zone:

1. General Standards Table for Residential B:

Requirement	Standard
Minimum site area for newly created lots or parcels	8,000 square feet
Minimum site area for one duplex	12,000 square feet
Number of primary residential dwellings permitted per lot or parcel	One single-family dwelling or one duplex meeting zoning standards, unless developed with approved cottage or townhome housing option, consistent with the specific standards of Chapter 6 of this title.

2. Specific Standards. The Residential B zone:

- a. Permits the keeping of up to twelve (12) chickens (hens only) and up to six (6) rabbits, regardless of acreage. The buildings or enclosures for housing such animals and housekeeping measures shall meet the sanitary standards of section 5-3A-6 of city code.
- b. Prohibits the keeping of roosters and any other domestic livestock or poultry other than those listed in subsection 11-4-3 B 2a.

C. Residential AB (RES-AB) Residential Medium Density. Purpose: The purpose of this zone is to provide a variety of housing options, appropriately scaled for the neighborhoods, to include one- and two-family residences, accessory dwelling units, accessory residential structures, townhomes, smaller-scaled multi-family residences, cottage-style housing, and townhomes, subject to the specific standards of this title. Included in this district are opportunities for home occupations, schools, churches, parks, assisted living facilities, and public service utilities. This zoning district is generally appropriate for lands designated as Residential Medium Density or Neighborhood Transition on the city's comprehensive plan future land use map. Those areas designated on the

adopted comprehensive plan as Neighborhood Transition have opportunities for certain commercial-like uses as specified in this title. The Neighborhood Transition also indicates an opportunity for future growth and rezoning of lands as the city grows and transitions toward more intense land uses. The following general standards shall apply to the Residential AB zone:

1. General Standards Table for Residential AB:

Requirement	Standard
Minimum site area for newly created lots or parcels	8,000 square feet
Minimum site area for one duplex	11,000 square feet
Minimum site area for multi-family	8,000 square feet + 3,000 square feet of additional land for each additional dwelling unit, where additional units are authorized by the use table. (Example: Duplex = 11,000 square feet; tri-plex = 14,000 square feet of land)
Number of primary residential dwellings permitted per lot or parcel	One single-family dwelling or one duplex meeting zoning standards, unless developed with approved cottage, multi-family, or townhome housing options, consistent with the specific standards of Chapter 6 of this title.

D. Mixed Use (MX) Purpose: This zone provides for a variety of housing options, small-scale, low-impact retail, dining, and entertainment uses, public recreational and gathering amenities, parks, public utilities, and churches. This zone is designed to encourage the development of mixed use and public and recreational amenities through the planned unit development concept. Incentives for clustered, more intense development and a wider array of uses are offered through the mixed use planned unit development approach. In return, the city requires walkable and bikeable public streets, corridors to recreational opportunities, public gathering places, and other amenities to be created as part of the planned unit development. This zoning district is generally appropriate for lands designated as Masterplan Mixed Use on the city's comprehensive plan future land use map. The following general standards shall apply to the Mixed Use zone:

1. General Standards Table for Mixed Use:

Requirement	Standard
Minimum site area for newly created lots or parcels not developed through an approved planned unit development	8,000 square feet, unless developed through an approved planned unit development.
Minimum site area for duplex	11,000 square feet
Minimum site area for multi-family	8,000 square feet + 3,000 square feet of additional land for each additional dwelling unit, where additional units are authorized by the use table. (Example: Duplex = 11,000 square feet; tri-plex = 14,000 square feet of land)
Minimum site area for newly created lots or parcels within an approved mixed-use planned unit development	See Chapter 12
Number of primary residential dwellings permitted per lot or parcel	One, unless developed with approved cottage, multi-family, townhome housing or mixed-use planned unit development option, consistent with the specific standards of Chapters 6 or 12 of this title.

2. Mixed Use Planned Unit Development. This zone allows an administrative site plan review of a proposed mixed use planned unit development, subject to the application requirements and procedures of Chapter 12 of this title.

3. Mixed-Use Opportunities and Variations. A mixed-use planned unit development that meets the minimum standards of Chapter 12 shall be allowed to vary from the zoning standards, including setbacks, density, parking, lot sizes, and coverage, subject to the review and approval set forth at the mixed-use PUD section of chapter 12.

E. Commercial (C) Purpose: The purpose of this zone is to provide for a wide variety of commercial, large- and small-scale retail, general service, professional office, housing, mixed commercial and housing structures, dining, and entertainment. This zoning district is generally appropriate for lands designated as Commercial & Mixed Use and Neighborhood Transition on the city’s comprehensive plan future land use map. The following general standards apply to this zone:

1. General Standards Table for Commercial:

Requirement	Standard
Minimum site area for newly created lots or parcels	Sufficient to accommodate required parking, utilities, setbacks, coverage, and other zoning standards of this title
Number of primary residential dwellings or dwelling units permitted per lot or parcel	Sufficient to accommodate required parking, utilities, setbacks, coverage, and other zoning standards of this title
Number of structures permitted per lot or parcel	None specified; subject to setback and maximum coverage standards.

F. **Downtown (D) Purpose:** The purpose of this zone is to provide for uses in the city’s downtown core, to include small-scale retail and general service uses, entertainment, eating and drinking establishments, residential apartments and dwellings above the ground floor, small instructional/educational uses, public gathering and parking spaces. This zoning district is generally appropriate for lands designated as Downtown on the city’s comprehensive plan future land use map. The following general standards apply to this zone:

1. **General Standards Table for Downtown:**

Requirement	Standard
Minimum site area for newly created lots or parcels	Sufficient to accommodate required parking, utilities, setbacks, coverage, and other zoning standards of this title
Number of primary residential dwellings permitted per lot or parcel	Sufficient to accommodate required parking, utilities, setbacks, coverage, and other zoning standards of this title

G. **Medical (M) Purpose:** The purpose of this zone is to provide a variety of medical, health care, emergency services, hospitals, clinics, pharmacies, and residential care facilities. Uses may include residential opportunities to support the medical community to include one- and two-family residences, cottage-style housing, and townhomes. Parks, churches, and public service utilities may be considered in this district. This zoning district is generally appropriate for lands designated as Medical Commercial on the city’s comprehensive plan future land use map. The following general standards apply to this zone:

1. **General Standards Table for Medical:**

Requirement	Standard
Minimum site area for newly created lots or parcels	Sufficient to accommodate required parking, utilities, setbacks, coverage, and other zoning standards of this title
Number of primary residential dwellings permitted per lot or parcel	Sufficient to accommodate required parking, utilities, setbacks, coverage, and other zoning standards of this title
Number of primary and accessory structures permitted per lot or parcel	Sufficient to accommodate required parking, utilities, setbacks, coverage, and other zoning standards of this title

H. **Light Industrial (LI) Purpose:** The purpose of this zone is to provide for light- and medium-industrial uses, warehouses, public utilities, fairgrounds, and parks. Residential uses are prohibited. This zoning district is generally appropriate for lands designated as Industrial & Public on the city’s comprehensive plan future land use map or where mapped Neighborhood Transition and adjoins the Industrial mapped area on the future land use map. The following general standards apply to this zone:

1. General Standards Table for Light Industrial:

Requirement	Standard
Minimum site area for newly created lots or parcels	Sufficient to accommodate required parking, utilities, setbacks, coverage, and other zoning standards of this title
Number of primary and accessory structures permitted per lot or parcel	Sufficient to accommodate required parking, utilities, setbacks, coverage, and other zoning standards of this title

11-4-4: OFFICIAL ZONING MAP:

- A. Map Adopted: The official zoning map is made a part of this title by reference and shall be signed by the mayor and clerk upon adoption and shall be kept on file with the city clerk as the official record of the city. The official map shall constitute legal evidence of the existing zoning districts within the city.
- B. Districts: The districts established in section 11-4-1 and 11-4-2 of this chapter are shown on the official zoning map, as now existing or as may hereafter be amended, together with all explanatory material thereon, are hereby incorporated into this title as if set forth in full within this title.
- C. Boundaries Of Districts: Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following shall apply:
 - 1. Where district boundaries are indicated as approximately following the centerline of street lines, highway right of way lines, streams, lakes or other bodies of water, the centerline shall be construed to be such boundary;
 - 2. Where district boundaries are indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
 - 3. Where district boundaries indicate a single lot or parcel is split by two (2) or more different zones, the zone assigned to the majority of the lot or parcel shall be considered the effective zone.
- D. Amendments. Any amendments to the official zoning map approved in accord with this title shall be noted by the city on the official zoning map.
- E. Replacement Map. The City Council may adopt by resolution a replacement official zoning map, if the official map:
 - 1. Is difficult to read due to multiple noted zoning amendments;
 - 2. Contains outdated mapping technology, aerial or parcel information;
 - 3. Is lost, damaged, or destroyed;
 - 4. Contains drafting errors.
- F. A replacement map shall not be used to amend any zoning district boundaries approved by the City Council.

11-4-5: USES BY ZONING DISTRICT:

Appendix A provides the official schedule of zoning district uses and is based upon the following:

- A. Determining Uses: To determine in which district a specific use is allowed:
- B. Find the use within the use table in appendix A of this title; and

- C. Read across the chart's row and find where the use intersects the applicable zoning district.
- D. Determine whether a "P", "S" "(blank)", or "asterisks," appear in the district column the property is located; and
- E. Apply the follow rule to the use:
 - 1. "P" means the use is a permitted use;
 - 2. "S" means the use is only allowed upon the issuance of a special use permit;
 - 3. A blank cell means the use is not allowed;
 - 4. An asterisk means a site plan reviewed is required;
 - 5. A double asterisk means only allowed where the site is mapped as Transition on the adopted future land use map (comprehensive plan map).

11-4-6: CLASSIFICATION OF NEW USES:

Classification Of New Uses Within Zone Districts: New or unanticipated types of land uses may be proposed within the city. In order to provide for such changes and contingencies, when a use is proposed that is not listed as a permitted, special or prohibited use in a zone district, the administrator shall make a determination that:

- A. The use falls within the same standard classification pursuant to the North American Industry Classification System, as amended, modified or superseded, as a listed permitted or conditional use in a current zone district and that it may be processed in the same fashion as the listed use; or
- B. The use does not fall within the same standard classification pursuant to the North American Industry Classification System, as amended, modified or superseded, as a listed permitted or conditional use in a particular zone district, and thus is a prohibited use in that district; or
- C. The use is unique in nature and an amendment to this title is necessary in order to allow for its placement within the appropriate zone district.

CHAPTER 5

ZONING DISTRICT GENERAL STANDARDS

SECTION:

11-5-1: GENERAL PROVISIONS:

- A. The regulations for each zoning district set forth by this title shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as otherwise specifically provided by this title.
- B. Construction and Placement.
 1. All required setbacks shall be measured from the greatest architectural projection of the building or structure to the nearest property line or other measurement point established by this title.
 2. Each part of a required yard shall be open to the sky, unobstructed by other buildings or structures, except for cornices, gutters, eaves, bay windows, or other similar above-ground architectural projections, which shall not encroach more than two feet (2') into any required yard. The structure or building shall be constructed and maintained to contain stormwater and snow shed on site.
 3. All single-family dwellings converted to multi-family dwellings must conform to the latest edition of the adopted building codes.
 4. Any existing single-family dwelling converted to a multi-family dwelling shall contain at least four hundred (400) square feet of livable floor area per dwelling unit.
 5. Structures may be placed or constructed across legally created, contiguous parcels or lots under the same ownership, provided the landowner records a lot combination agreement on a form provided by the city that states the land is considered one for the purposes of development. The city may then consider the lot or parcel as one for the application of zoning standards.
 6. The zoning administrator may grant the following administrative exceptions to setback requirements:
 - a. An exception not to exceed one foot to any setback or height standard, upon a showing of undue hardship or extraordinary physical conditions of the property or structure.
 - b. Exceptions to front or corner yard setbacks if the applicant demonstrates to the satisfaction of the zoning administrator that more than 50 percent of the structures on the same side of the street within the same block as the subject property are less than the required setbacks from the property lines. The zoning administrator may grant an exception to allow a structure to be built or placed in conformity with the front building lines of the majority of the buildings erected on any such lots, but not less than ten feet (10') set back.
 - c. Public, semipublic or public service buildings, hospitals, sanitariums, schools or churches, when permitted in a district,

may exceed the height allowed in the district where they are located, if approved through the special use permit or variance process, provided the exception is approved by the fire chief.

7. Where a zero lot line setback is indicated in the schedule of building standards of this title, the structure shall meet the minimum adopted building code requirements for setbacks and zero lot line construction
8. Where the maximum height stated in the schedule of building standards of this title differs from the adopted building code standards, the adopted building code standards shall prevail.
9. Buildings shall not project into or over a public right-of-way except for awnings, eaves, parapets, or signs, where allowed in this title. No awning, eave or parapet shall be closer than 2 feet, measured in horizontal distance, to the curb and shall be at a minimum 8 feet above the adjacent or closest grade that the public uses for walking, parking or other public uses.
10. A recorded common/party wall agreement addressing construction, maintenance, repair, and rights of access is required to be filed with the city for zero setback/shared wall construction, where permitted by this title.

C. Fences:

1. Fences shall not exceed seven feet (7') in height. Fence height shall be considered the vertical distance from natural grade of the property at the base of the fence to the highest point on the fence or fence structure, including finials, posts, latticework, screens, rockery bases, or other fence features. A gate or arbor serving an entryway to the yard shall be permitted to a maximum nine feet (9') in height and four feet (4') in width.
2. Fences not exceeding seven feet (7') in height may be located on the property line. Fences exceeding the height limit are defined as structures as shall meet the minimum structure setback requirements of the respective zoning district.
3. No fence, wall, or shrubbery shall obstruct or interfere with traffic visibility. Nothing shall be erected, planted, or placed that impedes traffic vision through the sight triangle, as defined in Idaho Code.

D. Removal of Traffic Hazards:

1. The owner(s) of real property have the responsibility to remove from their property any hedge, shrubbery, fence, wall or other sight obstructions of any nature, except public traffic or highway signs, buildings and trees, where these sight obstructions constitute a potential traffic hazard. Sight obstructions shall not be permitted within the "sight triangle" as defined in Idaho Code.
2. When the City Engineer or designee determines upon the basis of an engineering and traffic investigation that such a traffic hazard exists, the city engineer or designee shall notify the owner and order that the hazard shall be removed by the owner within fifteen (15) days.

11-5-2: SCHEDULE OF BUILDING STANDARDS:

The following table establishes the minimum zoning standards for building construction and placement. Consult the General Standards Section 11-5-1 and the notes below the following table for additional requirements or exceptions:

Zoning District	Maximum Height	Front Yard Setback	Rear Yard Setback	Interior/Side Yard Setback	Corner Lot Yard Setback	Maximum Impervious Coverage	Minimum Lot Width
RES-A	35 ft.	20 ft. ¹	10 ft.	20' combined ^{4,5}	20 ft.	50%	50'
RES-B	35 ft.	20 ft. ¹	10 ft.	20' combined ^{4,5}	20 ft.	60%	50'
RES-AB	35 ft.	20 ft. ¹	10 ft.	20' combined ^{4,5}	20 ft.	60%	50'
MX	35 ft.	20 ft. ¹	10 ft.	20' combined ⁴	20 ft.	75%	50'
M	35 ft.	20 ft. ¹	10 ft.	10 ft.	20 ft.	75%	50'
D	35 ft.	0 ²	0 ²	0	0 ²	No maximum	None
C	35 ft.	20 ft. ^{1,2}	0 ³	0 ³	20 ft. ^{1,2}	80%	50'
LI	35 ft.	20 ft. ^{1,2}	0 ³	0 ³	20 ft. ^{1,2}	No maximum	50'

Notes/conditions:

1. In addition to the setbacks listed in the schedule of building standards table, the front and corner lot setbacks shall also be a minimum of 20 feet from the property line abutting the street and ingress/egress easements.
2. Federal highway setback: no building shall be placed or erected within a distance of sixty feet (60') each side of the centerline of the street variously known as U.S. Highway 95, U.S. Highway 2 and South Main Street but not less than 20 feet set back from the front property line.
3. A 10-foot minimum rear or side yard setback is required where property line abuts land that is not zoned Light Industrial or Commercial. Rear and interior residential structure setbacks shall be a minimum of 10 feet for the Commercial zone.
4. Combined side yard interior setback shall be twenty feet (20'), with neither side less than eight feet (8'), except as otherwise provided.
5. Side yard interior setbacks for lots or parcels fifty feet (50') or narrower shall be a minimum 5 feet, inclusive of all architectural projections. Structure shall be designed and constructed to retain snowshed and stormwater runoff on site.

11-5-3: SITE DEVELOPMENT STANDARDS:

Prior to any site preparation, excavation, and construction shall be in accord with the standards adopted by the city for drainage, stormwater/erosion control, public right-of-way access, floodplain, and hillside or steep slope development.

11-5-4: LANDSCAPING PLANS REQUIRED:

- A. Applicability and Plans: In order to provide screening and shade and to reduce glare, heat, and stormwater runoff, a landscape plan is required at the time of building permit application for all new commercial or multi-family development or expansion of existing development that creates 10,000 square feet of impervious surface or more or where specific conditions of special use permit approval require landscaping. The project site plan shall include landscaping details showing:
 1. Existing trees and vegetation that are to be preserved and methods to protect;

2. Location, spacing, size, and identification of proposed new plantings;
 3. Planting schedule, to be installed not later than structure occupancy;
 4. Location of any buffers, fences, lighting, benches or other outdoor furniture;
 5. Type and location of proposed irrigation.
- B. Guidelines: Retention of existing vegetation and integration of native vegetation are preferred landscaping options. Plantings should be a mix of evergreen and deciduous trees, shrubs, and ground cover suitable for the area climate and of sufficient size to provide required shading and screening.
- C. Protection of Line of Sight: Vegetation shall be planted in areas where the plantings at maturity will not block the intersection sight triangle or obscure other business facades, signs, driveway accesses, or pedestrian/bike pathways.
- D. Design: The following minimum landscaping features shall be installed for the specific site conditions:
1. Parking areas, multi-family structures, and commercial uses: A mix of evergreen or deciduous trees or shrubs in a planting strip of not less than ten feet (10') along the parking area and adjacent property lines.
 2. Screening of adjoining uses, outdoor storage structures: Sight barriers of a minimum twenty foot (20') wide buffering strip of evergreen trees at a minimum height of six feet (6') at planting.
- E. Maintenance: The required landscaping shall be maintained in a healthy condition by the property owner or designee. Any unhealthy or dead plants shall be replaced by the owner as soon as weather permits.
- F. Exceptions: The zoning administrator may approve exceptions to the design or placement where the owner can demonstrate that existing vegetation, slopes, rockery, fencing, or other site features provide the necessary screening or shading.

CHAPTER 6

ZONING STANDARDS FOR SPECIFIC USES

SECTION:

11-6-1: 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 general and specific conditions for development and various uses or areas 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 aesthetic qualities of the city, while allowing for the orderly and efficient development of property in accordance with all State and Federal regulations. Appendix A, "Table of Uses," of this title establishes the types of uses and zoning districts where various uses are allowed. The specific design regulations set forth in this chapter are in addition to and supplement the zoning district standards set forth elsewhere in this title.

11-6-2: MANUFACTURED HOME SITING STANDARDS:

Manufactured Home Siting Standards: In all areas within the corporate limits wherein this code permits the location, occupation and use of single-family dwellings, manufactured and mobile homes meeting or exceeding the following specifications will be a permitted and authorized use, subject to the following restrictions on the placement of said homes:

- A. Manufactured homes shall be multi-sectional enclosing a space of not less than one thousand (1,000) square feet and when assembled on site, they shall not be less than twenty feet (20') both in length and width. They shall also either have been certified as having been constructed in accordance with the standards for certification of manufactured/mobile homes by the U.S. Department of Housing and Urban Development and manufactured/mobile home construction and safety standards, or if manufactured prior to June 15, 1976, have received a certificate of compliance from the Administrator of the Division of Building Safety of the State of Idaho that the structure meets the rehabilitation requirements of Idaho Code title 44, chapter 25.
- B. Manufactured housing shall be installed in accordance with Idaho Code title 44, chapter 22, "Manufactured Housing Setup Code."
- C. The manufactured home shall have a pitched attached roof with a slope of not less than three feet (3') in height for each twelve feet (12') in width.
- D. The manufactured home shall have exterior siding and roofing material commonly used on residential dwellings and which is comparable to the predominant material used on the buildings in the area. The City officer charged with the approval of building will determine compliance with this provision.
- E. The provisions of this chapter shall not permit manufactured homes or the lot upon which they are sited to follow any development standard, architectural requirements, and/or minimum size requirements, which are lower or less than that which is or would be applicable to a conventional single-family residential dwelling constructed on the same lot.
- F. This chapter shall not apply to the regulation of manufactured/mobile homes situated or to be situated in manufactured/mobile home parks which the City

has approved as a manufactured/mobile home park nor shall this apply to lands falling within an area defined as a historic district under Idaho Code 67-4607 nor shall this chapter be applied to modify or abrogate any recorded restrictive covenant applicable to any land within the jurisdiction of the City.

11-6-3: RECREATIONAL VEHICLE (RV) OCCUPANCY:

- A. No RV, motor home, or travel trailer shall be used as permanent living quarters.
- B. No person shall live in or continuously occupy a recreational vehicle or camper (pickup), as defined in this title whether or not self-contained, within the city, unless said recreational vehicle is located within a legally established recreational vehicle park or recreational vehicle campground; except that the temporary occupancy of a recreational vehicle parked on a residentially zoned property for a period of up to fourteen (14) days in one 365-day calendar cycle is permitted, pursuant to city code Section 4-5-6.

11-6-4: MANUFACTURED/MOBILE HOME PARKS:

Intent: This section is established to set standards and regulations governing the location and approval of manufactured or mobile home parks in a manner that is consistent with state law and in keeping with the policies of the adopted comprehensive plan to provide a variety of housing types for all ages, incomes, and abilities, while ensuring safe, attractive, and sanitary conditions. The following standards apply to the development and redevelopment of manufactured and mobile home parks:

- A. Each manufactured/mobile home lot shall meet the following minimum land area and space width:
 - 1. Single-wide homes shall be a minimum of five thousand (5,000) square feet in land area and a minimum of thirty five feet (35') of front lot width;
 - 2. Multi-sectional homes shall be five thousand (5,000) square feet in land area and a minimum of fifty feet (50') of front lot width.
- B. A screening wall or vegetation screening along the borders of the manufactured or mobile home park shall be provided.
- C. All manufactured or mobile home parks shall comply with all other applicable requirements of the zoning district and the requirements of floodplain areas.
- D. Manufactured or mobile home parks shall comply with the standards set for public streets.
- E. The park shall provide exterior lighting at locations, as determined by the city engineer, necessary for public safety and welfare. Lights, that are near a public street or alley, are to be installed so that the visibility of any oncoming traffic is not obstructed.
- F. All parks shall provide an open area for recreational purposes.
- G. All parks with fifteen (15) spaces or more shall provide one or more parking areas of adequate size for recreational vehicles for the occupants of the park. No such parking area shall be used or occupied for a commercial purpose or by those not residing in the park. Fencing and landscaping shall screen the parking area.
- H. A minimum of two (2) parking spaces shall be provided for each manufactured/mobile home lot.

11-6-5: RECREATIONAL VEHICLE (RV) PARKS:

The purpose of this section is to provide the standards and requirements for the location, operation and accommodations for a park or court for the purpose of providing short-term camping facilities.

- A. Application: The application for an RV Park permit shall contain the minimum requirements for the respective application type and shall also include the following:
 - 1. Extent and area used for camping purposes.
 - 2. Roadways and driveways, including the width and type of surface.
 - 3. Location of sites or units for RVs, motor homes or travel trailers.
 - 4. Location and number of service buildings, including facilities within.
 - 5. Method of sewage and trash disposal.
 - 6. Plan for water and electrical supply.
 - 7. Landscaping provisions.
- B. Site Development: The RV park shall be designed, constructed, and maintained to provide or meet the following requirements:
 - 1. The park/court shall be adequately lighted from dusk to dawn, with lights that shall not obstruct the visibility of any oncoming traffic.
 - 2. Each space shall be provided with water, sewage, and electricity.
 - 3. Each RV stall shall contain a minimum of one thousand (1,000) square feet and shall be at least twenty feet (20') wide. There shall be a minimum of ten feet (10') of space between RVs/motor homes/trailers.
 - 4. Each RV stall shall have one extra parking space and shall be graveled, paved or provided with other means for a dust free surface.
 - 5. No greater number of RVs, travel trailers or motor homes shall be allowed in any park/court than the number of RV stalls permitted, based upon the standards of subsection 11-6-5 (3).
- C. Service Building and Accommodations:
 - 1. Each park/court shall provide one or more service buildings, adequately equipped with electrical and plumbing facilities. Restroom facilities shall be provided.
 - 2. The service building shall be a permanent structure and meet requirements of the current building code. All service buildings shall provide proper lighting within the structure twenty four (24) hours a day. Each service building shall provide exterior lighting after dusk and before dawn.
 - 3. Each park/court shall provide trash disposal areas for each twenty (20) spaces. Disposal areas shall be fenced with a site obscuring fence, the height of which shall be a minimum four feet (4').
 - 4. Landscaping shall be addressed in the park plan to provide a minimum buffer strip of a mix of evergreen or deciduous trees or shrubs in a planting strip of not less than ten feet (10') along the parking area and adjacent property lines.
- D. Protection. The park/court shall be subject to all the provisions of this title, other city ordinances, and current fire codes.
- E. Restrictions.

1. No RV, motor home, or travel trailer shall be used as permanent living quarters.
2. Tiny homes and park model homes, as defined by Idaho Code, which are on foundations are prohibited.

11-6-6: BULK STORAGE:

The following standards shall be met for the bulk storage of flammable liquids and gases, or corrosive materials, above ground and for resale:

- A. Will be located at least three hundred feet (300') from a residence, motel, or hotel, except for an owner's residence.
- B. Will be erected with the written approval of the fire authority having jurisdiction.
- C. Will have suitable loading and unloading spaces and off-street parking facilities meeting the approval of the fire authority.
- D. A City business license is required prior to the use commencing on the property.

11-6-7: HOME OCCUPATIONS:

Home occupations, as defined by this code, shall be permitted where authorized by the table of uses, Appendix A, subject to the following standards:

- A. Only members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty percent (20%) of the floor area of the dwelling unit shall be used in the conducting of the home occupation, except as otherwise provided for home-based daycares.
- C. There shall be no change in the outside appearance of the building or premises showing visible evidence of the conduct of such home occupation. No outside storage of machinery, equipment, or materials shall be permitted.
- D. Traffic associated with the home occupation shall not exceed ten (10) vehicle trips per day on average on a weekly basis.
- E. The home occupation shall be small-scale and low intensity. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors or electrical interference. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- F. There shall be no on-premise sales in connection with the home occupation, nor shall there be any uses allowed that are otherwise required to obtain a special use permit for the applicable zoning district.
- G. Internet sales and off-premise sales of the goods produced by the home occupation are permitted.

11-6-8: HOME-BASED BUSINESS:

Home-based businesses, as defined by this code, shall be permitted where authorized by the table of uses, Appendix A, and subject to the following standards:

- A. Home-based businesses require the approval of a special use permit. Conditions of approval to set hours of operation, traffic, noise, screening, or other measures to mitigate the impact of the use may be set by the city.
- B. Members of the family residing on the premises and up to two (2) employees who do not reside on the premises are permitted to be engaged in the home business.
- C. The home-based business shall be clearly incidental and subordinate to the use of the property for residential purposes. Not more than forty percent (40%) of the floor area of the dwelling unit shall be used in the conducting of the home-based business. An accessory residential structure, such as a shop or garage, may be used for storage of equipment and home-based business activities, but not to exceed forty percent (40%) of the structure.
- D. Traffic shall not exceed twenty (20) trips per day on average on a weekly basis. Conditions of approval may further restrict maximum traffic allowances, based upon the circumstances of the site and proposed use.
- E. Limited storage of equipment and materials in an accessory residential structure may be permitted.
- F. One free-standing or wall sign not to exceed twelve (12) square feet or six feet (6') in height may be permitted.

11-6-9: IN-HOME DAYCARE:

- A. Shall not exceed six (6) children as outlined by the childcare facility definition of this title;
- B. Applications for in-home family daycare where permitted by the table of uses of this title shall be processed by the zoning administrator, who shall review the application for compliance with this title and may apply conditions of approval to assure the in-home daycare does not adversely affect the neighborhood. The zoning administrator shall provide the applicant with a written decision. The final decision may be appealed pursuant to this title.
- C. An application for the in-home daycare shall be submitted to the city and shall contain at minimum the following:
 - 1. The name and signatures of the applicants and the landowners;
 - 2. A plan of the site, drawn to scale, showing location of all existing and proposed buildings, parking and loading areas, traffic access and circulation, undisturbed areas, open spaces, landscaping, refuse and service areas, utilities, signs, yard and any fencing or other features peculiar to the operations of the use at the site;
 - 3. A parking plan that addresses adequate off-street parking that is designed consistent with this title;
 - 4. A fee, as set forth by the official fee schedule.
- D. Prior to commencement of the use the applicant shall submit to the city an inspection report from the City Fire Department indicating the department has reviewed the site against the applicable International Fire Code and State Fire Marshal standards for daycares and found the proposed use to be in compliance with these standards.

11-6-10: WRECKING YARD, IMPOUND YARD, JUNK YARD, STOCK YARD:

Wrecking yards, impound yards, junk yards, and stock yards are prohibited uses in all zoning districts.

11-6-11: ACCESSORY DWELLING UNITS (ADUs):

- A. Purpose: To provide an additional, affordable housing option that meets changing family and community needs while keeping the character of the single-family developments by setting minimum and maximum standards.
- B. Eligibility: An accessory dwelling unit (ADU) is permitted in the zoning districts as specified in the table of uses of this title.
- C. Density: One ADU is permitted per parcel or lot. Construction or placement may occur before, during, or after construction of the primary dwelling. Construction of an ADU prior to the primary dwelling shall be designed and built to comply with the maximum square footage established by this section, based upon the future primary dwelling.
- D. Design: ADUs may be attached to the primary dwelling or detached, new construction or conversion of an existing structure and shall meet the following standards:
 - 1. Location shall be on a lot or parcel of not less than five thousand (5,000) square feet.
 - 2. Maximum size of fifty percent (50%) of the primary dwelling unit square footage on the lot or parcel or eight hundred (800) square feet of livable floor space, whichever is less. Livable space shall include areas for living, sleeping, eating or cooking, but exclude garages, decks, covered porches, and utility spaces.
 - 3. A minimum livable floor space of not less than four hundred (400) square feet is required for all detached ADUs. The livable floor space of an ADU attached to the primary dwelling unit may be smaller but shall meet minimum residential building code requirements for the living space.
 - 4. A maximum of two (2) bedrooms.
 - 5. Provisions for minimum of one additional on-site parking space.
 - 6. Approved building permit demonstrating construction or modification complies with applicable building and fire codes.
 - 7. Confirmation from respective agency or department that the existing utilities are adequate to accommodate the future ADU.
 - 8. Occupancy and use shall be the same standards as those applied to primary dwelling unit.
 - 9. Compliance with setback, height, and lot coverage of the respective zoning district.
 - 10. Design consistent with the primary residence, including roof pitch, siding, color, materials, and windows is encouraged.

11-6-12: SHORT-TERM RENTALS:

- A. Purpose. This section provides standards and a process for the use of a residential dwelling unit as a short-term rental, as defined by this title. These

standards allow the city to address the health, safety, and welfare of the general public and occupants of the short-term rental and allow the city to ensure adequate services and parking are available.

- B. Applicability: This section shall apply to all short-term rentals, as defined.
- C. Registration: Prior to the operation of the short-term rental, the landowner shall register with the city clerk and identify the location, contact information, emergency contact information, and other details requested on a form provided by the city.
- D. The short-term rental shall conform to the following standards:
 - 1. The short-term rental occupancy is limited to the dwelling only, and shall not include occupancy in accessory structures, RVs, camp or tent sites, or any other spaces outside the dwelling.
 - 2. Occupancy shall not exceed two (2) persons per bedroom. Spaces such as dens, library, kitchen, office, game room, or other such areas are not bedrooms.
 - 3. The short-term rental shall be equipped with a smoke detector, fire extinguishers, applicable carbon monoxide detector, and a safe exit plan.
 - 4. All trash shall be placed in an approved receptacle.
 - 5. Parking shall be provided off-street for all short-term occupants, based on the off-street parking requirements of the applicable zoning district.
 - 6. No commercial activities shall be permitted within the short-term rental dwelling.

11-6-13: PARKLETS:

- A. Parklets: The purpose of this use is to create options to expand the public open spaces and boost economic activities in the Downtown district by allowing the conversion of some curbside parking spaces into raised platforms for seating, retail area, art displays, bike racks, plantings, and other amenities known as parklets, to be located on specified city streets.
- B. Eligibility: Parklets are permitted as specified in the table of uses and on specific streets identified by resolution of the City Council. Properties eligible for parklet space shall be:
 - 1. Located adjacent to and on the same side of the street as the parking space to be used for the parklet;
 - 2. Located within twenty-five feet (25') of the parklet parking space;
 - 3. Associated with an active business located along the street side or ground floor.
- C. Permits: Prior to installation of a parklet, a temporary right-of-way permit shall be obtained by the applicant, using the forms provided by the city and accompanied by applicable fees, as set by resolution of the council. The city administrator or designee may issue the permit after a review of the request by affected agencies and/or departments, and upon a finding that the application is in accord with the standards of this section. The permit is only valid for the authorized time specified in the permit. The permit shall be renewed annually through the permit process.
- D. Permit Requirements: The applicant shall provide:

1. A completed city application form, signed by the applicant and/or property owner;
 2. A site plan showing the diagrammatic plans for the parklet, consistent with the design standards adopted by the city.
 3. A signed indemnification form, holding the city, its employees, and agents harmless from all costs, damages, or actions.
 4. A general liability insurance policy with the City of Bonners Ferry listed as an additional insured, in an amount not less than one million dollars (\$1,000,000.00);
 5. An acknowledgment that the applicant shall bear all costs for parklet installation and required design elements.
- E. Design Standards: Parklets shall be designed, installed, and maintained to meet the following, to the satisfaction of the city:
1. All parklets shall meet the required design and installation standards as specified in this section and as adopted by city council resolution.
 2. The use of corner parking spaces shall be avoided.
 3. Permitted parklets shall be installed no earlier than April 1 and removed by October 1, unless otherwise adjusted by the city due to weather conditions or other reasons.
 4. The parklets shall not impair or block underground utility accesses, fire hydrants, electrical transformer vaults, traffic lanes, or city drainage systems.
 5. Parklets shall not inhibit or limit access to existing handicap parking spaces.
 6. Parklets shall not inhibit the free flow of pedestrians nor encumber neighboring sidewalks.
- F. Enforcement: The city may require the parklet to be removed and invalidate the permit if the applicant fails to maintain the parklet in accord with the design requirements and permit conditions.

11-6-14: COTTAGE HOUSING:

- A. Purpose. Cottage housing is an alternative, single-family housing type that allows the grouping of smaller, detached housing units and shared open space that can contribute to the affordable housing options, provide neighborhood variety, and still provide the benefits of single-family homes. The standards of this section are designed to allow the clustering of dwelling units, provisions for pedestrian access, reduced building costs, and added community amenities that include a functional open space. Cottage housing may provide higher residential density than the underlying zone through smaller, clustered housing units and parking areas, provided the standards of this section are met.
- B. Zoning. Cottage housing is permitted or conditionally permitted in the zoning districts as specified in the table of uses of this title. A site plan review is required where the use is permitted outright.
- C. Procedures. Proposed cottage housing developments are subject to either the special use permit or site plan review application process, as established in the table of uses of this title. Notice is required pursuant to section 11-13-5 E for

cottage housing proposals in the Medical zone. Depending on the planned ownership, additional applications may be required. Each cottage housing project application shall include a master plan, detailing how the development will meet the standards of this section and timetables for completion of improvements and amenities. Conditions of approval shall be set by the city to ensure completion of improvements identified in the master plan.

D. Ownership. The developer has the following ownership options and additional application requirements:

1. Retention of all homes and subject land by the owner for lease of individual units. A planned unit development is required where a special use permit is indicated in the uses table of this title. A site plan review is required where indicated as permitted in the uses table.
2. Condominium ownership, where the landowner intends to sell individual rights to the home's airspace only and not the land, together with common space or limited common space. A condominium plat in accord with the Idaho condominium property act is required.
3. Individual, fee simple ownership of individual lots and common ownership of open space or common areas. A subdivision in conjunction with the planned unit development special use permit is required.
4. A community land trust or community housing trust, where a qualified trust holds the lease on the land but allows separate purchase of the residence. A condominium plat or a subdivision and planned unit development are required.

E. Density. Due to design requirements and reduced house sizes, a bonus density multiplier of 1.5 is allowed for cottage house development. (For example, if the underlying zone permitted five (5) dwelling units, the bonus density of 1.5 allows eight (8) cottage dwellings.) Fractional density calculations ending in 0.5 or greater may be rounded up to the next whole number. Where there is no minimum lot/parcel size for the zoning district, a minimum of five thousand (5,000) square feet of land per dwelling is the basis to be used for the calculation.

F. The following development standards and design criteria shall apply to proposed cottage developments:

1. Cottage Housing Standards Table

Standard	Requirement
Minimum lot/parcel size to qualify	1 acre
Minimum common open space	600 square feet of land per dwelling unit to be dedicated as functional common, open space, which may include outdoor gathering areas, community gardens, community center, play areas, or other uses. Areas with steep slopes, above-ground utility features, streets, parking areas, or other features that would detract from the enjoyment of the common area are not considered "functional."
Minimum individual space assigned to each dwelling	200 square feet. Private, open space may be provided in front and/or at the rear of the dwelling and shall be useable space designed for patio or seating area, gardens,

Standard	Requirement
	pet yard, or other private space for the exclusive use of the homeowner.
Maximum gross floor area	1,500 square feet
Minimum gross floor area	800 square feet
Maximum stories/height	Not to exceed 25 feet in height, with a minimum roof pitch of 6:12
Minimum setbacks between cottage houses and accessory residential cottage structures	10 feet
Minimum setback from cottage development	Equal to the minimum setback of the applicable zoning district between the cottage house and adjacent lands outside the development.
Maximum dwelling units	Eight (8) for Zones RES-B and RES-AB; and twelve (12) for M, C, and MX. Section 11-12-6 addresses density allowances within a mixed-use planned unit development.
Cluster design	The housing development shall be designed to group homes in clusters of two (2) or more homes to reduce infrastructure and driveway costs and to meet the purpose of the cottage housing option.
Open space design	Cottage houses shall be designed to abut the common space.
Garages	Shared garage structures or carports are encouraged. Attached, private garage used solely for parking vehicles and storage are permitted if the structure otherwise meets the cottage housing design standards.
Parking	All parking shall be off-street and may be clustered to the side or the rear of the development. A minimum of two (2) parking spaces per dwelling unit are required, inclusive of any private garage parking.
ADUs	Accessory dwelling units are prohibited within cottage developments.
Pedestrian access	The development shall be designed and built to accommodate walking and biking access to the dwellings, common areas, and parking facilities.
Completion of Improvements	Prior to issuance of certificates of occupancy for cottage homes, the applicant shall complete and install all infrastructure, amenities, accesses, pathways, and other improvements specified in the cottage master plan.

11-6-15: TOWNHOMES:

- A. Townhomes are housing options that allow for the development of attached, single-family dwellings of three or more units, with common bearing walls and individual ownership of the land upon which the dwelling is constructed and ownership of the adjoining front or rear yards.
- B. Approval of a subdivision application and recording of the plat are required to allow for the division of the subject land into individual ownership.
- C. The parent parcel or lot that exists prior to the townhome plat shall be a minimum lot width of fifty (50) feet. The resulting townhome lots are not required to meet a minimum lot width.

- D. A draft common/party wall agreement addressing construction, maintenance, repair, and rights of access is required to be filed with the city at the time of subdivision application. The agreement shall be recorded with the final plat.
- E. The preliminary plat application shall include the proposed homeowner association agreement detailing utility/common billing, where applicable, garages, parking, and any common open space and access maintenance and repairs.
- F. Maximum dwelling units by zoning district, per lot or parcel:
 - 1. Townhomes are not permitted in zones RES-A, Downtown, and Light Industrial;
 - 2. A maximum of three (3) dwelling units for zone RES-B;
 - 3. A maximum of four (4) dwelling units for zones RES-AB and MX.
 - 4. No specified maximum number of dwelling units for zones Medical and Commercial. Section 11-12-6 addresses density allowances within a mixed-use planned unit development.

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CHAPTER 7

NONCONFORMITIES

SECTION:

11-7-1: PURPOSE:

The purpose of this chapter is to recognize that certain parcels, lots, uses of land, and structures may have been lawfully established prior to the effective date of zoning or subdivision ordinances governing them but may not conform to the provisions of this title. This chapter sets forth the standards for the continuance of nonconforming uses, land, and structures in accordance with this title.

11-7-2: NONCONFORMING USES:

A nonconforming use, as defined by this title, may be continued subject to the following provisions:

- A. No such nonconforming use or the intensity of such use shall be enlarged or increased nor extended to occupy a greater area of land than was lawfully occupied at the effective date of the zoning laws in effect at the time the use began.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the subject lot or parcel occupied by such use at the effective date of adoption or amendment hereof.
- C. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located, except as provided at Section 11-7-8 of this title.

11-7-3: NONCONFORMING STRUCTURES:

Where a structure exists that was lawfully built in accord with the laws in effect at the time of construction, but could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other zoning requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in any way that increases its nonconformity. Any structure or portion thereof may be altered to decrease its nonconformity.
- B. A nonconforming structure or nonconforming portion of a structure destroyed by any means may be reconstructed so long as the reconstruction does not increase its nonconformity and reconstruction occurs within one (1) year of its destruction.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district or zone in which it is located after it is moved.
- D. No nonconforming portion of a structure may be enlarged or altered in any way that increases its bulk, such as lot area, open space, yards, lot coverage, height, impervious surface ratios and floor area ratios.

11-7-4: NONCONFORMING STRUCTURES AND USES IN COMBINATION:

If a use of a structure or of structures and premises in combination was lawfully established under the laws in effect at the time of construction and use, but would not be allowed in the district under the terms of this title, the lawful structure and use in combination may be continued subject to the following conditions:

- A. No existing structure devoted to a use not permitted in the district in which it is located shall be enlarged, extended, constructed, reconstructed or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located, nor shall the intensity of such use be increased or extended, except as provided in this subsection.
- B. Any nonconforming use may be extended throughout any parts of a building that were obviously arranged or designed for such use at the time of adoption or amendment hereof, but no such use shall be extended to occupy any land outside such building.
- C. When a nonconforming use of a structure or a structure and premises in combination is discontinued or abandoned for a period of one (1) year the structure or structure and premises in combination shall conform to the regulations specified by this title for the district in which such structure and land is located. See section 11-7-8 of this chapter for the procedure to continue the use of a nonconforming structure or combination of structure and premises.
- D. Any nonconforming building or structure in combination with a nonconforming use that is damaged more than sixty percent (60%) of its then fair market value, exclusive of the foundations, at the time of damage by fire, flood, explosion, war, riot or act of God, shall not be restored or reconstructed and used as before such damage. If less than sixty percent (60%) of the structure is damaged above the foundation, it may be restored, reconstructed or used as before, provided that it is restored within six (6) months of such happening and be built of like or similar or better materials. This time may be extended upon application of the owner to the City for extenuating circumstances.
- E. An extension, enlargement, or expansion of a nonconforming structure may be granted through approval of a special use permit, not to exceed twenty-five percent (25%) of the ground area of the building.
- F. A nonconforming use may be changed to a use permitted within the applicable zone. Once a conforming use is established, the nonconforming, grandfathered rights are no longer valid.

11-7-5: NONCONFORMING LOTS OR PARCELS:

- A. Legal, Nonconforming lots or parcels. A parcel or lot that was lawfully created under the laws in effect at the time of its creation but does not meet current requirements for lot size minimum, design, or other zoning standards, may be developed in accord with the uses of the applicable zoning district, provided:
 - 1. The structure meets all required setback, height, lot coverage, or other bulk requirements or obtains an approved variance to those standards.

2. The lot or parcel has not been further divided or adjusted so as to increase its nonconformity, in violation of the laws in effect at the time of the adjustment.
3. The lot or parcel has legal, developed access.

11-7-6: REPAIRS AND MAINTENANCE:

On any nonconforming structure, or portion of a structure containing a nonconforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

11-7-7: BUILDINGS UNDER CONSTRUCTION:

Nothing in this title shall be deemed to require any change in the plans for construction or designated use of any building upon which actual construction was lawfully begun and has continued, prior to the adoption of this title, provided that such building shall be completed within one (1) year of permit issuance.

11-7-8: CONTINUATION OF NONCONFORMING USES AND STRUCTURES:

- A. If the nonconforming use is discontinued for a period of one (1) year or longer, the City shall, by written request, require that the owner(s) declare their intention with respect to the continued nonuse of the improvements in writing within twenty-eight (28) days of receipt of the request. If the owner(s) elect to continue the nonuse, they shall notify the City in writing of their intention and shall post the property with notice of intent to continue the nonuse of the improvements. They shall also publish notice of intent to continue the nonuse in the official newspaper of the City of Bonners Ferry. If the property owner(s) comply with the requirements of this subsection, their rights to use such improvements in the future for their designed purpose shall continue for a period of ten (10) years, notwithstanding any change in the zoning of the property.
- B. The property owner may voluntarily elect to withdraw the use by filing with the Clerk of the City an affidavit of withdrawn use. If the property is redesigned for a different use, the property owner shall be deemed to have abandoned any grandfather right to the prior use of the property.
- C. The provisions of this section shall not be construed to prohibit the City from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare.

CHAPTER 8

APPLICATION PROCEDURES

SECTION:

11-8-1: PURPOSE:

The following application requirements, procedures and standards of review are adopted to ensure applications are considered in a timely manner and with proper due process of law, consistent with the Idaho Local Land Use Planning Act.

11-8-2: APPLICATIONS REQUIRED:

All applications required by this title shall be completed upon forms furnished by the city. To be determined complete by the city, all applications shall contain the minimum general and specific documents and information required by this title.

11-8-3: APPLICATION FEES:

Fees for applications filed under the terms of this title shall be established by resolution of the city council. The applicable fee established by the city's official fee schedule shall be paid to the city when submitting a completed application. The city shall take no action on any application, appeal, reconsideration or any other request set forth in this title until the required fees, charges, and expenses are paid in full.

11-8-4: GENERAL APPLICATION PROCEDURES:

- A. Prior to submitting an application with the city, the applicant shall review the proposal with the zoning administrator.
- B. All applications and fees shall be filed with the city clerk or designee.
- C. The zoning administrator shall have a reasonable amount of time to review the application for completeness, based upon the standards and requirements of the respective application. A reasonable time is generally considered not more than thirty (30) days.
- D. The city shall inform the applicant in writing of any additional items that are required to complete the application.
- E. The city shall provide copies of the application to affected agencies for review and comment, allowing up to thirty (30) days for replies. Affected agencies may include fire, police, street department, utilities, school district, health district, and any other local, state, or federal agencies or services that could be affected by the request, as determined by the zoning administrator. Agency comments shall be provided to the applicant for response and any required actions.

11-8-5: PUBLIC HEARING PROCESS:

- A. The following applications require public hearings before the Planning and Zoning Commission and may require a public hearing before City Council, as specified under the specific application type:

1. Annexations;
 2. Zone changes;
 3. Comprehensive Plan amendments to map and text;
 4. Planned unit development, except as otherwise specified in this title;
 5. Text amendments to this title;
 6. Variances;
 7. Special use permits;
- B. Notice. For those applications requiring public hearings, notice shall be provided in accord with the Idaho Local Land Use Planning Act for the specific file type. When notice for a site-specific application is required to two hundred (200) or more property owners or purchasers of record, sufficient notice shall be deemed to have been provided if the city provides notice through a display advertisement at least four (4) inches 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.
- C. Procedures. All public hearings are subject to the hearing procedures adopted by resolution of the city council.
- D. Decision Making. Whenever an application requires a public hearing, as specified in this title, the planning and zoning commission and city council shall render a decision, specifying the relevant facts considered in approving or denying the application, and shall provide a reasoned statement in support of the decision and the actions to be taken to obtain approval.
- E. Written Decision. The city shall issue a written decision to the applicant following the conclusion of the public hearing. The city council decision shall be final, and any recourse shall be as provided by Idaho Code.

11-8-6: ADMINISTRATIVE PERMITS AND REVIEWS:

- A. Administrative reviews by the zoning administrator or designee are authorized for applications, permits, and requests that do not require a public hearing, as specified by the Local Land Use Planning Act or this title, including the following:
1. Zoning permits;
 2. Zoning reviews in conjunction with building permit applications;
 3. Administrative site plan reviews;
 4. Determinations of compliance for uses, standards, land divisions;
 5. Requests for interpretation of zoning code and applicability.
- B. The zoning administrator or designee shall have a reasonable amount of time to review the application for completeness and conformance with zoning standards. The zoning administrator may:
1. Request additional information to complete the application;
 2. Seek review by affected agencies, where it is determined necessary to complete a thorough review of the application;
 3. Approve the application with conditions;
 4. Deny the application.
- C. The zoning administrator shall provide a written decision, citing the standards of review, whether approved or denied, relevant facts used in reaching the

decision, any conditions of approval, and actions to be taken to obtain the permit.

- D. All decisions of the zoning administrator are considered final unless appealed to the council as set forth in this title.

11-8-7: ADMINISTRATIVE APPEALS/MEDIATION:

- A. Any final, written administrative decision made pursuant to this title shall be considered final unless appealed by an affected person to city council, pursuant to the following procedures:
 - 1. A written appeal, containing the grounds for such an appeal and any supporting documents, shall be filed with the city clerk, along with applicable fees, within fifteen (15) days of the issuance of the final, written administrative decision. Failure to file the appeal in a timely manner with proper fees shall cause an automatic dismissal of the claim.
 - 2. Upon receipt of the properly filed appeal, the city, shall schedule the matter for consideration by the city council at a regular or special meeting within thirty (30) days, allowing sufficient time for proper meeting notice. Copies of the appeal shall be provided to the council and city staff affected by the appeal.
 - 3. The city council shall consider the appeal and provide an opportunity for the appellant, appellant's representative, affected staff, and interested parties to present relevant information regarding the matter.
 - 4. The city council may reverse, modify, or affirm, in whole or in part, the administrative decision, or may table the matter to another meeting to allow time for additional information or further deliberations. The final decision shall not grant a special privilege or provide an exception to the regulations of this title.
 - 5. The city shall notify the appellant in writing of the council's decision.
 - 6. The council's decision is final, and any further recourse shall be as provided by Idaho Code, Title 67, Chapter 65.
- B. Mediation: Mediation may occur upon a written request filed with the city clerk by the applicant, an affected person, the planning and zoning commission, or the governing board. Mediation may occur at any point during the decision-making process or after a final decision has been made. If mediation occurs after a final decision, any resolution of differences through mediation must be the subject of another public hearing before the decision-making body. Mediation of planning and zoning issues shall be in accordance with Idaho Code section 67-6510.

11-8-8: MODIFICATION:

The site plan, terms, and conditions of any approved permit are the controlling document for the development and use of the property authorized or required by this title and shall not be modified except in accord with the following:

- A. Filing. Applications and fees for modifications of any issued land use permit shall be filed with the city clerk.

- B. Consideration. The same process, standards of review, and notification used for consideration of the original permit shall be followed for the review and consideration of the modification. The governing body or official authorized to approve make the original decision is authorized to consider the modification. The review shall be confined to the modification request.
- C. Decision. The decision to approve or deny the modification request shall be in writing, based on the same standards of review as the original permit.

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CHAPTER 9

TEXT AND MAP AMENDMENTS

SECTION:

11-9-1: PURPOSE:

The purpose of this chapter is establish procedures to amend, repeal, supplement, or enact new sections of this title.

11-9-2: AMENDMENTS OF THIS TITLE:

The city council or planning and zoning commission may initiate an amendment to this title, the comprehensive plan, official zoning map, or comprehensive plan map. Any citizen, landowner, or taxpayer may file an application with the city clerk to amend the official zoning map, comprehensive plan map, zoning codes, or comprehensive plan text, in accord with the requirements of this chapter.

11-9-3: PUBLIC HEARING REQUIRED:

The method of notice of time and place for the public hearing shall be as outlined in Chapter 8 of this title.

11-9-4: APPLICATION CONTENTS:

The application for text or mapping amendments shall be made on a form provided by the city and shall contain at a minimum the following:

- A. A completed application. Signatures of record landowners are required for mapping amendments;
- B. A narrative explaining the reason for the amendment and how it is in accord with the adopted comprehensive plan;
- C. The effect of the proposed amendment on the delivery of public services;
- D. A legal description of the subject property where mapping amendments are proposed, stamped by an Idaho-licensed surveyor;
- E. A site plan for all mapping amendments, drawn to scale and showing boundary lines, utility locations, street patterns, and adjoining properties within 300 feet of the subject property;
- F. Any additional information deemed necessary by the zoning administrator to complete the application.

11-9-5: STANDARDS OF REVIEW:

The commission and city council shall analyze proposed changes to the zoning ordinance, maps, or text to ensure that they are not in conflict with the policies of the adopted comprehensive plan.

11-9-6: COMMISSION ACTION:

The planning and zoning commission shall consider the application and related evidence and make its recommendations to the council, following its public hearing. They may request studies from the applicant or public agencies concerning social, economic, fiscal, and environmental effects of the proposed amendment, supplement, or change.

11-9-7: COUNCIL ACTION:

- A. The council may require a public hearing before making a decision.
- B. No amendment shall be allowed to permit a nonconforming use, which will materially interfere with the use of the adjoining premises in conformity with the regulations applicable to the use district in which it is located.
- C. Upon approval of the amendment of any zoning map or this title, an ordinance shall be prepared, approved, and published in accord with the requirements of state code.
- D. Upon approval of an amendment to the comprehensive plan map or text, a resolution shall be adopted in accord with the procedures of state code.

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CHAPTER 10

SPECIAL USE PERMITS

SECTION:

11-10-1: PURPOSE:

The purpose of this chapter is to provide for the processing of applications for special or conditional use permits. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of this title, subject to conditions pursuant to specific provisions of this chapter, and subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan.

11-10-2: LIMITATIONS:

A special use permit shall run with the land and shall not be transferrable to another property. The special use permit may be transferred to a future owner of the subject property, provided the use remains in compliance with the issued permit and conditions of approval. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits.

11-10-3: APPLICATION CONTENTS:

An application for special use permit shall be filed with the clerk by at least one owner of property for which such special use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address and phone number of applicant;
- B. Legal description of property and street address;
- C. Description of existing use;
- D. Zoning district;
- E. Description of proposed special use;
- F. A plan of the proposed site for the special use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission may require to determine if the proposed special use meets the intent and requirements of this title;
- G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
- H. Any additional information deemed by the zoning administrator or commission to be required to complete the application, including studies of the social, economic, fiscal, and environmental effects and any aviation hazard as defined in section 21-501(2), Idaho Code, of the proposed special use.
- I. Fees as set by resolution of the city council.

11-10-4: STANDARDS OF REVIEW:

The commission 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 will:

- A. Constitute a special use as established in this title for the zoning district involved;
- B. Be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and the zoning ordinance;
- C. 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. Not be hazardous or disturbing to existing neighboring uses;
- E. Be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- F. Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. 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, or other factors determined to be nuisances;
- H. Have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- I. Not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.

11-10-5: SUPPLEMENTAL CONDITIONS AND SAFEGUARDS:

In recommending any special use, the commission 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. The commission may set conditions including, but not limited, those 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.

11-10-6: PUBLIC HEARING REQUIRED:

Prior to granting a special use permit, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held before the commission. Public notification of the public hearing shall be provided in accordance with Idaho Code.

11-10-7: COMMISSION ACTION:

The commission shall recommend to city council approval, approval with special terms, conditions and limitations, or disapproval of the application for a special use permit. The commission shall ensure that any recommendation for special use permits is in accordance with the comprehensive plan and established goals and objectives.

11-10-8: COUNCIL ACTION:

- A. Prior to granting a special use permit, the council may require a public hearing. They may request studies from the applicant or public agencies concerning social, economic, fiscal and environmental effects of the proposed special use.
- B. A special use permit issued shall specifically outline the permitted use, note any allowed deviation from the zone requirements of the zone in which the property is located and may impose such conditions and limitations as the council shall deem appropriate, including, but not limited by, this inclusion, time limits, setback and height alterations, lighting conditions, parking spaces, access locations, aesthetics, environment protection, drainage and the mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the city jurisdiction. In determining these conditions and limitations, the council shall consider such factors as it, in its discretion, deems necessary, but it shall consider the impact that such use shall have on the surrounding neighborhood and upon public services and facilities.
- C. The council shall give approval, approval with special terms, conditions and limitations, or disapproval of the application for a special use permit after receiving the recommendation from the commission.
- D. Upon granting or denying an application the council shall specify:
 - 1. The ordinance and standards used in evaluating the application;
 - 2. The reasons for approval or denial;
 - 3. The actions, if any, that the applicant could take to obtain a permit.

CHAPTER 11

VARIANCES

SECTION:

11-11-1: PURPOSE:

A variance is a modification of the bulk and placement requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, and rear yard setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of the lot. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.

11-11-2: APPLICATION CONTENTS:

An application for a variance shall be filed with the clerk by the property owner for which such variance is proposed. At a minimum, the application shall contain the following information:

- A. Name, address and phone number of applicant;
- B. Legal description of property, with street address, if possible;
- C. Description of existing use;
- D. Zoning district;
- E. Description of proposed variance;
- F. A narrative statement indicating the reasons for the variance;
- G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
- H. Any additional information that the zoning administrator determines is necessary to complete the application;
- I. A fee as set by resolution of the city council.

11-11-3: STANDARDS OF REVIEW:

The planning commission shall consider the evidence of record and testimony and shall only recommend granting a variance upon finding that the following are true:

- A. That there are exceptional or extraordinary physical circumstances or conditions, applicable to the property involved, or the intended use thereof, causing undue hardship, which do not apply generally to the property or class of use in the district, so that a denial of the relief sought will result in:
 1. Undue loss in value of the property,
 2. Inability to preserve the property rights of the owner,
 3. The prevention of reasonable enjoyment of any property right of the owner;
- B. That such hardship shall be proven by the owner;
- C. That the granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property improvements;

- D. That the reason for a variance was not caused by actions of the owner or previous owner.

11-11-4: CONDITIONS OF APPROVAL:

Conditions of approval may be applied to ensure the development is in compliance with the intent of the variance.

11-11-5: PUBLIC HEARING REQUIRED:

The method of notice and public hearing procedures shall be in accord with Idaho Code.

11-11-6: COMMISSION ACTION:

The commission shall consider the application, evidence, and testimony related to the request, and shall make its recommendations to the council.

11-11-7: COUNCIL ACTION:

- A. The council may require a public hearing before making a decision.
- B. The council shall consider the application and evidence related thereto and make its decision after receiving the recommendation from the commission

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CHAPTER 12

PLANNED UNIT DEVELOPMENTS

SECTION:

11-12-1: PURPOSE:

The purpose of the Planned Unit Development (PUD) is to provide design flexibility to encourage creative and efficient development of land and infrastructure, the preservation of natural features, and the addition of open spaces, pathways, green belts and other amenities that might not be achieved under standard zoning requirements. Through flexible design standards, PUDs can allow a mixture of housing and commercial land uses, encourage affordable housing, and create walkable, accessible neighborhoods. Conditions can be set and agreements established during the public process to ensure development is carried out in accord with the approved conceptual design.

11-12-2: APPLICABILITY:

- A. Planned unit developments are applicable in all zoning districts.
- B. Planned unit developments shall be considered through the special use permit process.
- C. The subject property shall contain a minimum of two (2) acres.
- D. The subject property shall be under single ownership or control.
- E. Where a subdivision of land is proposed as part of a planned unit development, the subdivision application shall be submitted and considered simultaneously with the PUD application.
- F. Uses shall be the same as the underlying zoning district, with the following allowances/exceptions:
 1. A mixture of housing types, including detached and attached duplex, single- and multi-family, townhomes, court-yard or cottage style housing, are permitted.
 2. Limited, low-intensity commercial uses that are ancillary or accessory to the residential districts may be included in the PUD proposal, provided that:
 - a. Such uses are listed as permitted outright or permitted by special use in the district;
 - b. The uses, inclusive of structures, parking, and loading areas, do not collectively exceed five percent (5%) of the gross land area for five- (5-)acre and larger PUDs and do not collectively exceed two percent (2%) of the gross land area for PUDs smaller than five (5) acres;
 - c. Taxidermies and cemeteries are excluded;
 - d. Small laundromats, coffee shops, delicatessens or bakery shops are included.
 3. The number of dwelling units permitted within a planned unit development shall be based upon the minimum site area requirements of the underlying zoning district.
 4. Residential uses are not permitted in the industrial district.

11-12-3: APPLICATION:

- A. Pre-Application: Prior to submitting an application to the city, the applicant or representative shall meet with the city administrator or designee for a pre-application meeting. The purpose of the meeting is to review the proposed planned unit development, the city application process and codes, proposed infrastructure needs, and any potential variations to standards. The purpose of the pre-application meeting is to familiarize the applicant and city with the proposal and does not represent acceptance or approval of an application. For the pre-application meeting, the applicant shall provide:
 - 1. A conceptual sketch of the development;
 - 2. General transportation layout;
 - 3. General utility provisions;
 - 4. Types of structures, proposed uses and densities;
 - 5. Open space, greenway, and pathway proposals;
 - 6. Any variations to standards;
 - 7. Any other information necessary for a complete overview of the project.
- B. Application: A planned unit development is a special use permit. In addition to the special use permit application requirements of chapter 10 of this title, the application shall include:
 - 1. A preliminary master plan of the subject site, depicting any proposed housing types and proposed layout and design, street and pathway systems, parking facilities, drainage features, landscaping, common or open space and proposed ownership, commercial or industrial structures, proposed lot layouts, natural and hazardous features, requested variations to zoning standards, and other essential development details.
 - 2. A development schedule, including any planned phases.
 - 3. A preliminary plat for any portion of the project that is to be platted, consistent with the application standards of title 12 of city code.
 - 4. Required fees.
 - 5. Any additional information required by the city for a complete understanding of the PUD proposal.

11-12-4: PROCESS:

- A. Permit Consideration: The planned unit development application shall be processed and considered in accord with the special use permit requirements of chapter 10 of this title.
- B. Standards Of Approval: In addition to the general standards of chapter 10, the governing bodies shall also find adequate evidence confirming the planned unit development:
 - 1. Will result in a unified project that will benefit the surrounding area and the city.
 - 2. Can be constructed so that each phase can exist independently, without relying upon subsequent phases for open space, amenities, density, infrastructure, or other minimum standards or necessary dedications.
- C. Conditions Of Approval: The city may set conditions of approval to control the sequence and timing of development, assure the development is maintained

properly and other conditions consistent with the special use permit processes of this title and the Idaho Local Land Use Planning Act, including conditions that:

1. Minimize adverse impact on other development;
2. Control the sequence and timing of development;
3. Control the duration of development;
4. Assure that development is maintained properly;
5. Designate the exact location and nature of development;
6. Require the provision for on-site or off-site public facilities or services;
7. Require more restrictive standards than those generally required in an ordinance; and
8. Require mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

D. Final Plan And Development Agreement: Following the approval of the planned unit development, the landowner shall file with the city:

1. A final master plan, to include all elements and modifications to the preliminary plan, as approved by the city council;
2. A final plat, where applicable;
3. A draft development agreement containing the conditions of PUD approval, specific authorizations for uses and housing types, project phasing and timetables for completion, developer responsibilities, vesting, conveyance of open space and amenities and long-term maintenance, and any other details specified by the city to define code-required and negotiated elements of development to ensure public benefits are realized. The development agreement is subject to the review and approval of the city council and shall not be valid until executed by the landowner and city and recorded.
4. Draft Covenants, Conditions, and Restrictions (CC&Rs) providing for the development and maintenance of the property in accord with the approved plan.
5. Any other documents or details required by the conditions of approval.

E. Expiration: The PUD special use permit shall be valid for two (2) years from the date of the city's written decision. An extension not to exceed two (2) years may be granted by the city council if it finds progress is being made on the development or circumstances beyond the control of the developer have prevented completion of the project. A written request for the extension must be filed with the city clerk prior to the expiration date.

F. Minor Modifications: Minor modifications to lot lines, structure placements, access alignments, or other modifications that were unforeseen at the time of application and do not expand the original boundaries of the project or increase density or intensity of the PUD may be approved by the city administrator or designee prior to the filing of the final plan.

G. Major Modifications: Any requests for major changes to block and lot design, density, exterior boundaries of the PUD, conditions of approval, renegotiated terms of the development agreement or other modifications deemed major by

the city administrator shall require a public hearing before the city council, using the same notice and procedures as the original application.

11-12-5: DESIGN:

- A. Lot Design: Lots may deviate from the minimum zoning district lot width. Lots within the residential districts may deviate from the minimum lot area standard, so long as the total number of lots do not exceed the units allowed based on the lot area minimum for the entire subject area. Lots within the commercial, medical, or industrial districts are not subject to the minimum lot area standards, provided lots are sized to accommodate the use, required parking, and other applicable zoning standards.
- B. Clustering: The clustering of lots and housing units to allow greater open space and reduced infrastructure costs is encouraged.
- C. Setbacks: Reduced or zero setbacks may be permitted where structures adjoin common areas, courtyards, open spaces, private streets, or common walls. Setbacks to the exterior property lines of the subject property shall meet the zoning district minimums. The setback reductions must be requested in the PUD application and shown on the final plan.
- D. Variations: The city may approve variations to design and construction standards, where the applicant demonstrates that an alternative design would better serve the proposed development due to topography, service connections, existing development patterns, or other unique features. The variations shall not adversely affect city or public services and shall not be detrimental to public health, safety, or welfare.
- E. Access: Connections to public rights-of-way shall be consistent with the city transportation plan and standards. Interior streets shall be designed to meet minimum fire code standards.
- F. Parking: Off-street parking shall meet the minimum standards of Chapter 14 of this title, unless variations to the standards are approved through the PUD process.
- G. Amenities: The developer shall provide public or private amenities appropriate to the scale and location of the project, which may include any of the following, subject to a negotiated agreement with the city:
 - 1. A minimum ten percent (10%) of the gross acreage of the subject property, dedicated as common or open space. The land may be dedicated to a homeowners' association or to the city or other public entity through mutual agreements. Proposed common/open space must be appropriate in scale, use, and character to the planned unit development. The land shall be designed, constructed, and maintained for recreational, community gardens, green belts, courtyards, open space, or parkland.
 - 2. Bike/pedestrian pathways.
 - 3. Connections to existing pathways.
 - 4. Bus stop.
 - 5. Sidewalks.
 - 6. Bike racks.

7. Park playground equipment, community facilities, or other public features that serve the neighborhood.
 8. Other negotiated amenities.
- H. Buffering: Screening, vegetative buffers, greater setbacks, or integration of multi-family with single-family housing shall be employed to provide consistency with the surrounding neighborhood.

11-12-6: MIXED USE PLANNED UNIT DEVELOPMENT:

- A. Purpose: This subsection provides an option for an administrative site plan review for a planned unit development within the Mixed Use zoning district to create an incentive for a wider array of permitted uses and flexible design and parking standards, provided certain standards are met to create a variety of housing options, commercial uses, walkable and biking opportunities, and public amenities.
- B. Application: Application requirements for a mixed use planned unit development shall be as provided in Section 11-12-3, except that a site plan review application rather than a special use permit application is required.
- C. Requirements: A mixed use planned unit development shall include the following minimum standards and features:
 - a. A plan to develop and construct walkable and bikeable public connections within the development and leading to other public places and recreational opportunities;
 - b. A mixture of housing options, optional mixed-use buildings containing at least one floor developed for non-residential uses, and appropriately scaled commercial development as identified in the table of uses in Appendix A of this title;
 - c. Public open space accompanied by a specific plan for the construction, use, and maintenance of the area, that may include public art and seating area, bandstand, small water feature or fountain and bench areas, or other such amenities;
 - d. A design to provide for clustered, cohesive development, allowing for a more compact arrangement of buildings and fewer extensions of accesses and infrastructure.
- D. Allowances: The mixed use planned unit development may vary from parking and zoning standards as set forth in the design standards section 11-12-5. There is no set maximum for the number of structures allowed per parcel or lot for a mixed-use planned unit development. Design and density shall be sufficient to accommodate required parking, utilities, setbacks, coverage, and other applicable zoning standards of this title.
- E. Process: A mixed use planned unit development meeting the requirements of this subsection shall be reviewed pursuant to the administrative site plan review procedures of section 11-13-5 of this title. The remaining sections of 11-12-4 of this title, paragraphs B through G shall apply to mixed use planned unit developments.

CHAPTER 13

ADMINISTRATIVE PERMITS

SECTION:

11-13-1: PURPOSE:

This chapter establishes the types of applications and permits the zoning administrator has the authority to act upon and sets forth the procedures for consideration. The zoning administrator shall have the authority to make final decisions on the applications and permits provided in this chapter, subject to the right of appeal for any written final administrative decision made pursuant to this title, as set forth in Chapter 3 of this title.

11-13-2: ADMINISTRATIVE REVIEW PROCEDURES:

Administrative reviews are authorized for applications, permits, petitions, requests for reviews or interpretations, and zoning reviews that do not require a public hearing, pursuant to this title and the state local land use planning act. The following process shall be followed for administrative reviews:

- A. Upon receipt of an application and fees to the city clerk, the zoning administrator shall have a reasonable time, generally not to exceed thirty (30) days, to examine the application for completeness with application requirements and standards of this title. If the application is determined to be incomplete, the zoning administrator shall notify the applicant in writing of the deficiencies and specify the information needed to complete the application.
- B. The zoning administrator shall conduct a review of the complete application for compliance with applicable standards of this title. The zoning administrator shall provide a written decision either approving, approving with conditions, or denying the application, and citing the reasons for the decision, the evidence of record, and standards used to reach the decision. If denied, the zoning administrator shall state the actions, if any, that can be taken to obtain approval and the rights of appeal.

11-13-3: ZONING PERMIT REVIEWS:

Zoning permit reviews are associated with building permit applications and applications for placement or construction of exempt structures. Prior to the construction or placement of any structure or the remodel or modification of a structure that requires a building permit, the zoning administrator shall review the application for compliance with the city's zoning regulations. If the proposed structure and use are determined to be in compliance, the zoning administrator may sign the permit application and need not provide a reasoned statement as required by Section 11-13-2 B of this chapter. 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 of this title.

11-13-4: COMPLIANCE REVIEWS:

A landowner may submit an application to the city to determine whether a parcel of land or lot was created, divided, adjusted, or consolidated in conformance with the city's land use laws in effect at the time of its creation, interpretations of this title, or whether an established land use meets zoning

code. The application shall include a chain of title prepared by a title company, unless the zoning administrator determines chain of title is not necessary based upon the type of determination requested. If the zoning administrator determines the land in question is not in compliance with the land use laws in effect at the time of creation, the written decision shall include actions that may need to be taken to bring the land into compliance. The required actions shall be limited to the requirements of the laws in effect at the time of the parcel or lot creation.

11-13-5: ADMINISTRATIVE SITE PLAN REVIEW:

- A. Purpose: The site plan review process allows the city to administratively review proposed development in a timely manner without requiring a public hearing. The administrative review ensures that future development meets the applicable standards and requirements of city code and addresses potential development impacts by setting conditions to mitigate those impacts.
- B. Applicability: Certain uses and proposed development, which are not subject to the public hearing process as set forth in this title, are subject to the administrative site plan review application process. Approval of the site plan application is required prior to issuance of building permits, encroachment approval, or any other such permits allowing the development to commence. The following uses and developments require a site plan review:
 - 1. Those specified in Appendix A of this title as requiring a site plan review;
 - 2. Residential developments of four (4) dwelling units or more on a single lot or parcel;
 - 3. Commercial, industrial or light industrial new development that requires a building permit for construction, conversion, or enlargement and is greater than 4,000 square feet.
 - 4. Any development specified in the respective zoning districts as requiring a site plan review.
- C. Application: A site plan review application and applicable fees shall be filed with the city clerk prior to any construction, building permit approvals, placement of structures, or use of a site that is subject to site plan review cited at 11-13-5B. The application shall be completed on a form provided by the city and shall contain at a minimum the following:
 - 1. A to-scale drawing of the site showing the boundaries of the subject property, access and traffic patterns, parking, pathways, the general vicinity, proposed and existing structures and uses, utility features, landscaping, lighting, signs, drainage patterns and proposed stormwater features, fire protection, and any other information deemed by the city to be necessary to properly assess the proposed use and impacts to city infrastructure and neighborhood.
 - 2. A narrative explaining the proposed use, compliance with city standards, estimated traffic, hours of operation, potential for noise, lights, and glare from the use, and any measures proposed to mitigate potential impacts.
 - 3. A stormwater/erosion control or hillside development plan, where applicable.

4. Any additional information deemed necessary by the city administrator or engineer to allow a thorough review of the development.
- D. Review: The zoning administrator shall complete a review of the application consistent with 11-13-2, procedures for administrative reviews. Copies of the application shall be provided to affected agencies, as determined by the zoning administrator. Agencies shall be given adequate time to review and reply, but not more than thirty (30) days, unless the zoning administrator determines there are extenuating circumstances that warrant additional review and comment time.
 - E. Notice: For those developments identified in the zoning districts as requiring neighborhood notice, the city shall provide written notice of the proposed development via regular U.S. mail to landowners within three hundred feet (300') of the external boundaries of the subject property. Public comment on the proposal shall be limited to whether the proposed development meets the standards of city code and suggested conditions to mitigate potential impacts. The deadline to reply to the city shall be fourteen (14) days from the date the notice is mailed.
 - F. Decision: The determination of the zoning administrator shall be in writing. No construction or commencement of uses shall begin until the site plan is approved. The zoning administrator may approve, deny, approve with conditions, based upon the following standards:
 1. Compliance with applicable zoning, floodplain, stormwater, and hillside development standards;
 2. Adequacy of public and private services;
 3. Ability to mitigate potential impacts to the neighborhood and city services through applied conditions or the development's design and applicant proposals;
 - G. Conditions: The zoning administrator may impose conditions of approval to:
 1. Mitigate potential impacts;
 2. Ensure dedication or installation of public improvements;
 3. Meet zoning, health, safety, services or infrastructure standards;
 4. Other reasonable conditions attributable to the direct impacts of the development on the city, its infrastructure, the environment, or the neighborhood.
 - H. Expiration: The approval shall expire one year from the date of the written decision if the use or construction has not commenced. Prior to the expiration date, the applicant may seek an extension of up to one year. The written request shall be filed with the city clerk and may be approved by the zoning administrator upon a showing of good cause as to why the use or construction has not commenced, such as weather-related delays, unexpected construction challenges, environmental remediation, or development-related legal actions.

- I. Appeals: Any administrative decision made by the zoning administrator may be appealed to the city council, pursuant to section 11-3-3.

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CHAPTER 14

OFF-STREET PARKING

SECTION:

11-14-1: PURPOSE:

The purpose of this chapter is to provide regulations and standards for off-street parking to minimize traffic hazards and congestion and mitigate impacts on surrounding properties.

11-14-2: APPLICATION OF PROVISIONS:

- A. No building or structure shall be erected, substantially altered or its use changed unless permanently maintained off-street parking has been provided in accordance with the provisions of this chapter. The number of required off-street parking spaces shall be in accordance with this chapter for all permitted, accessory, special or other uses authorized in any district. The city council may require a greater number of spaces as a condition of approval for any special or conditional uses. Off-street parking shall be subject to review by the administrator and/or the city engineer.
- B. The site plan shall include the location, size, and type of all proposed off-street parking, and verification that minimum off-street parking requirements have been satisfied.
- C. If the proposed development project is to be completed in phases, such phases shall be noted on the site plan.
- D. If the overall development plan as proposed by the applicant provides as good or better results than could be achieved under the requirements of this chapter, the city may permit such plans.
- E. Off-street parking shall be constructed to the satisfaction of the city engineer and/or street superintendent, in accordance with the approved site plan.
- F. No parking area or space provided as required by this chapter shall later be eliminated, reduced or converted in any manner unless other equivalent facilities are provided.
- G. The number and design of accessible handicap parking spaces shall be in accordance with the Americans with disabilities act.
- H. For mixed uses, the total requirement of off-street parking spaces shall be the sum of the requirements of the individual uses.
- I. Joint Use Parking: Two (2) or more uses may share the same off-street parking area and be credited for the required parking spaces, provided:
 - 1. Principal operating hours and traffic generation of the structures or land uses are not in substantial conflict, to the satisfaction of the city engineer and/or administrator;
 - 2. The off-street parking shall be located not more than six hundred feet (600') from the primary entrance of the structure to the nearest entrance of the parking area;
 - 3. An agreement between the parties for shared parking shall be submitted to the city for review and approved by the city attorney and/or administrator;

4. All shared parking and mutual easements shall be recorded and a copy provided to the city; and
5. In the event the joint use agreement is terminated, the parties shall notify the city and comply with the parking requirements in effect or enter into another joint use agreement in compliance with this section within sixty (60) days after the agreement was terminated.
- J. All parking spaces required by this section shall be located on the same property as the use(s) for which parking is required unless a parking agreement as allowed in subsection I of this section is entered into.
- K. Required parking spaces shall be used for vehicle parking only. No vehicle sales, storage, repair work or dismantling shall be permitted.
- L. Hallways, storage areas, restrooms, entries, stairways, equipment and utility areas, and other such building service or circulation areas not used or required for business operations, the public, or retail sales space shall not count as floor space for purposes of determining parking spaces required.
- M. Downtown Zone Parking: No off-street parking spaces shall be required for commercial uses within the downtown district. Residential parking shall be provided at fifty percent (50%) of the spaces required at 11-14-5.
- N. Uses Not Listed: The city administrator or city engineer shall determine the minimum parking requirements for uses not specifically listed in the parking schedule, based upon comparable uses found in the North American Industry Classification System, as amended, modified or superseded.
- O. Administrative Considerations: The city administrator or city engineer is authorized to interpret regulations or standards for particular uses or situations not specifically provided in this title, taking into consideration a parking plan submitted by the applicant detailing hours of operation, proximity to pathways, expected attendance, number of employees, customers, or participants, parking and loading needs, and other such factors.

11-14-3: DESIGN AND MAINTENANCE:

- A. The required number of parking and loading spaces as set forth in this chapter together with driveways, aisles and other circulation areas shall be easily identified by the patron.
- B. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. The city engineer and/or street superintendent shall approve all parking area drainage plans.
- C. Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street and designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private street shall be traveling in a forward motion. One- and two (2)-family residential uses are excluded from the requirement to design access driveways for forward motion travel.
- D. The owner of property used for parking shall maintain such area in good condition.

11-14-4: LOCATION OF PARKING SPACES:

- A. The following regulations shall govern the location of off street parking spaces and areas:
 - 1. Parking spaces for commercial, industrial or institutional uses shall be located not more than six hundred feet (600') from the principal use.
 - 2. Parking spaces for apartments, dormitories or similar residential uses shall be located not more than three hundred feet (300') from the principal use.
- B. The dimensions for parking and access shall conform to the following:
 - 1. Minimum Size Parking Spaces:
 - a. Minimum size parking space, nine feet by twenty feet (9' x 20').
 - b. Minimum size parking space exclusively for the handicapped shall be as defined in the Americans With Disabilities Act.
 - 2. Driveway Entrances And Exits: Minimum requirements for driveway entrances and exits shall meet the city of Bonners Ferry road standards policy.
 - 3. Minimum Aisle Widths shall be as follows:

Parking	Minimum Width
30°	12 feet
45°	15 feet
60°	18 feet
90°	24 feet

11-14-5: SCHEDULE OF PARKING REQUIREMENTS:

For the purpose of this title, the off-street parking space requirements listed in the following table shall apply. Fractional numbers shall be increased to the next whole number.

Type of Use	Off-street parking space required
Residential:	
All residential, including multi-family	2 for each dwelling unit 1.5 for studio unit (combined living and sleeping space)
Mobile/manufactured home parks	See subsection 11-6-4 for parking standards
Commercial:	
Automobile service and/or fuel	1 for each 2 gasoline pumps and 2 for each service bay
Bowling alleys	4 for each alley or lane, plus 1 additional for each 100 square feet of the area used for restaurant, cocktail lounge or similar use
Childcare facilities	1 per 6 children, plus 1 for each employee
Dining rooms, restaurants, taverns, nightclubs	1 for each 100 square feet of floor area plus 1 for every 2 employees. See subsection 11-14-2 L for floor space calculations

Type of Use	Off-street parking space required
Establishments for the service of food or beverage	1 per 100 square feet of floor area. See subsection 11-14-2 L for floor space calculations
Funeral parlors, mortuaries	1 per 4 seats
Hotels, motels	1 for each sleeping room, plus 1 for every 2 employees
Public community centers, auditoriums	1 per 100 square feet of floor area. See subsection 11-14-2 L for floor space calculations
Recreational or entertainment, indoors or outdoors	Based upon parking plan review provided at subsection 11-14-2 paragraph O
Retail or service establishments	1 for each 250 square feet of floor area of the building. See subsection 11-14-2 L for floor space calculations
All other types of business or commercial uses	1 for each 250 square feet of floor area permitted in any business district area. See subsection 11-14-2 L for floor space calculations
Institutional:	
Banks/offices	1 for each 250 square feet of floor area of the building. See subsection 11-14-2 L for floor space calculations.
Business, technical and trade schools	1 for each 2 students
Churches and other places of religious assembly	1 for each 4-6 seats
Hospitals, nursing homes, and sanitariums	1 for each 250 square feet of floor area of the building. See subsection 11-14-2 L for floor space calculations
Libraries, museums and art galleries	1 for each 400 square feet of floor area
Medical and dental clinics	1 space for every examination or treatment room, 1 space for every 200 square feet of waiting area, and 1 space for each employee
Elementary schools	2 for each classroom and 1 for every 8 seats in auditorium or assembly hall
High schools, junior high	1 space per 15 students and 1 for every 8 seats in auditorium or assembly hall or based upon parking plan review provided at subsection 11-14-2, paragraph O
Industrial:	
Manufacturing	1 space for each 1,000 square feet of gross floor area

CHAPTER 15

SIGNS

SECTION:

11-15-1: PURPOSE:

The purpose of this chapter is to:

- A. Promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types;
- B. Protect property values;
- C. Create a more attractive economic and business climate;
- D. Enhance and protect the physical appearance of the community;
- E. Preserve the scenic and natural beauty of designated areas;
- F. Reduce sign or advertising distraction and obstructions that may contribute to traffic accidents and reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way;
- G. Provide more open space, curb the deterioration of the natural environment and enhance community development.

11-15-2: REQUIREMENTS:

- A. Sign Compliance: Signs shall not be constructed, installed, structurally altered, enlarged, or relocated except in conformity with the provisions contained herein, and only after a sign permit issued by the city has been secured, if so required. The changing or maintenance of movable parts or components of an approved sign, or authorized sign, designed for such changes, or the changing of sign copy, business name, lettering, sign faces, colors, display, graphic matter, and/or the content of any sign copy shall not be deemed a structural alteration.
- B. Sign Defined: For the purpose of this chapter, the word "sign" does not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also, merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.
- C. Alteration, Enlargement, Or Relocation Of Signs: No sign shall be structurally altered, enlarged, or relocated except in conformity to the provisions herein, and only upon applying for and securing a permit, unless expressly authorized without a permit.

11-15-3: DEFINITIONS:

AWNING: A shelter extending from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

FACADE: As defined in chapter 2 of this title.

FOOT CANDLE: A unit of measurement for the intensity of light in a given area. Defined as the amount of light that falls on a one-square-foot surface from a consistent light source.

SIGN:

- A. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.
- B. Any identification, description, illustration, symbol, statue or device, illuminated or nonilluminated, which is visible from any public place designed to advertise, identify or convey information, including any landscaping where letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and state or national flags.

SIGN TYPES:

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.

AWNING SIGN: A building mounted sign that provides additional functionality as a shelter.

BANNER: A sign made of fabric or other nonrigid material with no enclosing framework.

BLADE: A sign that projects perpendicularly from a structure.

CHANGEABLE COPY SIGN: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units) or manually through placement of letters or symbols on a panel mounted in or on a track system. Also to include electronic message boards and electronic messaging center (EMC).

CONSTRUCTION SIGN: A nonpermanent sign identifying the 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 which may also designate the future occupant or use of the development.

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.

ELECTRONIC MESSAGE BOARD, ELECTRONIC MESSAGING CENTER (EMC): Includes those signs displaying time and temperature and also refers to digital or video displays or any sign that can be changed electronically by remote or mechanical means.

FLAG: A piece of cloth or fabric, varying in size, shape, color, or design used as a symbol, standard, signal, emblem, or insignia.

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.

ILLEGAL SIGNS: Any existing sign that does not have a permit issued by the city of Bonners Ferry or other local government is hereby deemed to be an illegal sign and such sign and the person or persons responsible for such sign shall be subject to the terms of this title.

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.

NEIGHBORHOOD IDENTIFICATION SIGNS: A sign that identifies a neighborhood, subdivision or housing complex.

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 is not freestanding.

RESIDENTIAL NEIGHBORHOOD SIGN: A sign at the entrance of a residential neighborhood, subdivision, or multi-family residential complex identifying the neighborhood.

ROOF SIGN: Any sign erected upon a roof, parapet, or roof mounted equipment structure and extending above a roof, parapet, or roof mounted equipment structure of a building or structure.

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

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.

VEHICLE SIGN: Any sign permanently or temporarily attached to or placed on a vehicle or trailer.

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.

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.

WINDOW SIGN: Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building.

11-15-4: SIGNS AUTHORIZED WITHOUT A PERMIT:

- A. 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.
- B. 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.
- C. Addressing numbers/mailboxes.
- D. Flagpoles that do not exceed a height of thirty five feet (35').
- E. Small signs:

1. Small signs shall not include any sign that is over six (6) square feet in area or five feet (5') in height at any point along the existing grade.
 2. Small signs shall not be illuminated, animated or contain reader boards.
- F. Wayfinding signs.
- G. Window signs.
- H. Temporary signs.
- I. Sandwich board signs, provided subsection 11-15-6D6 of this chapter has been met.

11-15-5: GENERAL STANDARDS APPLICABLE TO ALL ZONES AND SIGNS:

Any sign hereafter erected shall conform to provisions of this chapter, and all other applicable provisions of other city ordinances.

- A. Construction Standards:
1. All building permits for applicable signs shall accompany construction quality plans. The plans shall be stamped by a design professional certified by the state of Idaho to do such work. The plan shall illustrate how the proposed sign is designed to be compliant with the minimum design criteria as adopted and shall demonstrate to the satisfaction of the building official that the sign will not constitute a public hazard. Exception: The building official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with building codes.
 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 signs as defined at section 11-15-4.
 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. Signs may be illuminated from within or from an external source, but such illumination shall be in a manner that avoids glare or reflection that in any way interferes with traffic safety.
 2. Signs within two hundred feet (200') of a residential zoning district may be illuminated from within or from an external source, but such illumination shall be in a manner that avoids glare or reflection into a residentially zoned property.
 3. Signs in residential districts shall not be internally illuminated, unless otherwise permitted.
 4. All illuminated signs shall contain measures to automatically dim at night from a higher illumination level to a lower level of at least fifty percent (50%) change for the time period between one-half (1/2) hour

before sunset and one-half (1/2) hour after sunrise to avoid glare and/or reflection that violates subsection B1 of this section.

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 manmade 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 of advertising matter shall not be included in computation of surface area.
- b. When two (2) 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 (2) faces.

11-15-6: STANDARDS FOR SPECIFIC SIGN TYPES:

A. Changeable Copy Signs, Electronic Message Boards, Electronic Messaging Centers (EMC), and Animated Signs:

1. Freestanding changeable copy, animated, electronic message board or area shall be no more than fifty percent (50%) of the total sign area or a maximum one hundred fifty (150) square feet, whichever is less. Signs that are fifty (50) square feet in area or smaller may use up to one hundred percent (100%) of the total sign area for electronic messaging.
2. Changeable copy and electronic message/digital marquee signs may be used as wall signs subject to the requirements of this section.
3. Freestanding changeable copy signs shall not be installed parallel to a right of way except in the case of a corner lot when the sign may be parallel to the secondary street/road.
4. Electronic message boards/digital/animated marquee signs shall be equipped or designed to accommodate the following:
 - a. Automatic dimming capabilities that adjust with ambient light conditions at all times;
 - b. Limited to 0.3 foot candles above ambient light;
 - c. Text changes or alternating animation shall maintain a minimum eight (8) seconds second interval time. The transition method

from one message to the next shall be instantaneous, or as an option of fade in or out, shall take no more than one second.

5. Proof of compliance with the electronic messaging standards shall be submitted with the sign permit application.

B. Roof Mounted Signs:

1. Roof signs may be internally or externally illuminated.
2. Roof signs shall be set back a minimum of three feet (3') from the edge of the exterior wall on which the sign is located.
3. Roof signs shall not exceed a maximum height of ten feet (10') from the highest point of the building on which the sign is being placed.
4. Roof signs shall not include any animated or moving parts. No oscillating, flashing, rotating, flickering, or blinking lights shall be allowed as part of roof signs.

C. Projecting Signs:

1. No sign shall exceed twelve (12) square feet per sign face;
2. The sign shall allow a nine foot (9') clearance to the walking surface;
3. No sign shall be closer than two feet (2'), measured in horizontal distance, to the curb line of any street, where permitted.

D. Sandwich Board Signs (A-Frame Signs): Any premises or principal building may place sandwich board signs on the city sidewalk subject to the following restrictions:

1. Any premises, including those containing multiple businesses, shall be permitted to locate only one sandwich board sign per street frontage;
2. Any sandwich board sign shall not exceed six (6) square feet per side in area. In addition, the width of the sign may not exceed two (2) linear feet, with a maximum height of three feet (3'). Within these specified maximum dimensions, creative shapes that reflect the type of business being advertised are encouraged;
3. Sandwich board signs shall not be lighted and are for displaying during daylight hours only. These signs must be removed each evening at dusk;
4. Sandwich board signs may be placed on the sidewalk directly in front of the associated use. The sign must be placed within two feet (2') of the building or structure. No sandwich board sign may be placed where the unobstructed space for the passageway of pedestrians is reduced to less than four feet (4'). Trees, poles, signs, hydrants, trash receptacles, tree grates, etc., are considered obstructions;
5. The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable;
6. Any person erecting a sandwich board sign shall indemnify and hold harmless the city and its officers, agents and employees from any claim arising out of the presence of the sign on city property or rights of way. The person erecting a sandwich board sign shall sign an indemnification agreement, approved by the city attorney, prior to placement of sign.

11-15-7: PROHIBITED SIGNS:

- A. Signs which 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.
- B. Signs which simulate traffic control devices.
- C. No oscillating, flashing, rotating, flickering, or blinking lights shall be allowed unless otherwise specifically permitted by this chapter.
- 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 chapter.

11-15-8: SIGNS PERMITTED BY ZONE:

Authorized signs: Unless otherwise permitted, those signs not specifically authorized by this title shall be prohibited. The following table provides the signs permitted by zoning district and the required standards:

SIGN STANDARDS TABLE BY ZONING DISTRICT

P = Authorized or permitted		S = Specially permitted			(blank) = Prohibited
Sign Type	Zone District				
	Residential A, B, AB	Commercial, Light Industrial	Medical	Downtown Mixed Use	
Animated signs		P		P	
Awning		P ⁹	P ⁹	P ¹⁰	
Development signs	P ¹³	P ¹³	P ¹³	P ¹³	
Electronic message boards		P	P	P	
Freestanding	P/S ¹	P ^{4,5,6,8,9}	P ^{3,5,7,8}	P ^{2,11}	
Neighborhood identification sign	P ¹³				
Projecting		P ⁹	P ⁹	P ¹⁰	
ROW banners		P ¹²		P ¹²	
Roof mounted				P ²	
Sandwich board signs		P ⁹	P ⁹	P	
Small signs		P ¹⁴	P ¹⁴	P ¹⁴	
Temporary	P ¹⁴	P ⁹	P ⁹	P	
Wall/affixed	P ¹	P	P	P	

Standards: All signs shall comply with the standards listed within this chapter. All signs requiring a permit shall do so pursuant to section 11-15-10 of this chapter. The following list contains specific

standards applicable to the corresponding sign type and number listed in the Sign Standards Table by Zoning District:

1. One freestanding sign that shall not exceed 12 square feet, without a special use permit. Signs shall be no more than 6 feet in height and setback from all property lines shall be 1.5 times the height of the sign. Signs specially permitted shall be associated with an authorized use as provided for in this chapter, size and location shall be determined by the city council. Affixed or wall mounted signs shall not exceed a combined sign area of 12 square feet per building. All signs shall be externally lit.
2. A combined total or combination thereof, of 2 freestanding or roof mounted sign(s) are permitted per building. Total combined area of freestanding and roof mounted sign(s) shall not exceed 200 square feet.
3. Each building shall be permitted up to 1 freestanding on premises sign for each street frontage, up to a maximum of 2 freestanding signs per lot.
4. Each building shall be permitted up to 1 freestanding sign for each 150 linear feet of public street frontage or 30,000 square feet of lot area, up to a maximum of 3 freestanding signs per lot.
5. Maximum total sign area of freestanding signs shall be 300 square feet in area as established by subsection 11-15-5C of this chapter.
6. Each freestanding sign shall not exceed 30 feet in height as established by subsection 11-15-5C of this chapter.
7. Freestanding signs shall not exceed 10 feet in height as established by subsection 11-15-5C of this chapter.
8. Sign setback from all property lines shall be 10 feet or equal to the height of the sign, whichever is less.
9. No sign shall be allowed to project into the public right of way or public easements.
10. No sign shall be closer than 2 feet, measured in horizontal distance, to the curb line of any street.
11. There shall be no minimum setbacks for signs in the downtown zoning district.
12. Right of way banners shall be reserved for community events authorized by the city of Bonners Ferry and shall not be used to conduct or advertise private business. Anyone seeking a right of way banner shall first seek approval by the city of Bonners Ferry.
13. Signs shall be located at the entryway to a development or property and shall not exceed 100 square feet in total sign area as defined in this chapter. Neighborhood identification signs may also include development signs as defined in this chapter.
14. Signs shall not exceed 6 square feet and shall not be located or allowed to project into any public right of way. Signs shall comply with section 11-15-3, "Definitions," of this chapter.

11-15-9: NONCONFORMING SIGNS:

- A. A "nonconforming sign" is a sign that meets the definition of section 11-15-3 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 chapter, 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. Nonconforming 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.

11-15-10: ADMINISTRATION:

The city has the responsibility to ensure that all measures of this chapter are enforced. The following standards, permit requirements, and procedures shall be met:

- A. Permit Required: A permit shall be required for all signs, except for those expressly authorized without a permit. Exemption from permit shall not, however, exempt the owner of the sign from responsibility for its erection and maintenance in a safe manner, and in a manner in accordance with all other provisions of this chapter.
 1. Application: An application for a sign shall be completed on a form provided by the city and shall include at a minimum the following:
 - a. Name of organization and location;
 - b. Contact person;
 - c. Address and phone number for contact person;
 - d. Description of the activities occurring on the site where the sign will be installed;
 - e. Description of any existing signage that will remain on the site;
 - f. Identification of the type of sign/signs to be erected by the applicant;
 - g. Site plan depicting the locations of proposed signage including setbacks from property lines, proposed landscaped areas and existing remaining signage;
 - h. Construction quality plans of the sign and supporting structures stamped by an engineer certified in the state of Idaho to do such work;
 - i. Written description explaining the drawing of the proposed signage, including a detailed description of materials, colors, and letter height, type and style;
 - j. Any applicable fee as established by the city.
 2. Standards For Sign Permit Approval: Permit application shall be approved by the city if all of the following standards have been met:
 - a. The sign, as proposed, meets all applicable requirements of this chapter;
 - b. The sign, as proposed, meets all applicable requirements of the city's adopted building and applicable electrical codes;
 - c. The sign, as proposed, does not violate any other applicable chapters or standards of the city, state and federal government.
- B. Sign Location: The city recommends that all sign locations be reviewed by the city engineer prior to submission of the application. The city engineer or

designee has discretion to suggest modification of the location based on driver sight distances or other potential hazards.

- C. Fees: The city has established by resolution an official fee schedule that includes fees for processing sign applications. Fees are payable at the time of permit application.
- D. 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 the sign immediately.
- E. Appeals: Any person aggrieved by a decision in this chapter shall have recourse as set forth at section 11-3-3 of this title.
- F. Enforcement: All matters pertaining to the enforcement of this chapter shall comply with standards listed at the enforcement section at 11-3-6 of this title.

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**APPENDIX A
TABLE OF USES**

Appendix A-1 to A-4, Pages 1-7

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