

ZONING ORDINANCE NO. 279

City of Clark Fork, Idaho

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ZONING ORDINANCE NO. 279

City of Clark Fork, Idaho

AN ORDINANCE OF THE CITY OF CLARK FORK, IDAHO, A MUNICIPAL CORPORATION OF BONNER COUNTY OF THE STATE OF IDAHO, ESTABLISHING ZONING FOR THE CITY OF CLARK FORK, IDAHO; PROVIDING FOR A SHORT TITLE; AND PROVIDING THE FOLLOWING: AUTHORITY; INTERPRETATION; PROCEDURES; SCOPE; DEFINITIONS; ESTABLISHMENT OF ZONING DISTRICTS AND A ZONING MAP; DESIGNATED USES OF ZONING DISTRICTS; PLANNED UNIT DEVELOPMENTS (PUDs); GENERAL STANDARDS AND REQUIREMENTS; STANDARDS FOR AND REGULATION OF MOBILE AND MANUFACTURED HOMES; STANDARDS AND REGULATIONS FOR RV (RECREATIONAL VEHICLE) AND MOTOR HOME PARKS; OFF-STREET PARKING REQUIREMENTS; NON-CONFORMING USE STANDARDS; ZONING ADMINISTRATION; PROCEDURES FOR CONSIDERATION OF APPLICATIONS; SITE APPLICATIONS AND PERMIT REQUIREMENTS; PENALTIES; FOR SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR A REPEAL OF ORDINANCES IN CONFLICT, AND PROVIDING AN EFFECTIVE DATE AND PUBLICATION THEREOF.

WHEREAS, the Constitution of the State of Idaho, Article XII, Section 2, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, and the Idaho Municipal Corporations Title 50, Chapters 3 and 9 provide authority for the City of Clark Fork to adopt ordinances establishing land use standards, procedures, and uses; and;

WHEREAS, the City of Clark Fork adopted an update to its Comprehensive Plan in 2018 and wishes to provide zoning standards in accord with the newly adopted plan; and

WHEREAS, the City of Clark Fork desires to update its land use codes to reflect required standards and procedures of the Local Land Use Planning Act; and

WHEREAS, the Clark Fork City Council has initiated this amendment to its zoning regulations and standards; and

WHEREAS a public hearing regarding this Ordinance was conducted in accord with the procedures of Title 67, Chapter 65 of Idaho Code on the 9th day of September, 2019 at 6:45 p.m. before the Clark Fork City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CLARK FORK, IDAHO, AS FOLLOWS:

SECTION 1.0 SHORT TITLE

This Ordinance shall be referred to as the "Zoning Ordinance" of the City of Clark Fork, Idaho.

SECTION 2.0 AUTHORITY

This Zoning Ordinance is adopted pursuant to authority granted by the Local Land Use Planning Act, Title 67, Chapter 65 of the Idaho Code, and Article XII, Section 2 of the Idaho Constitution, as amended or subsequently codified.

SECTION 3.0 INTERPRETATION & PURPOSE

- A. Interpretation: In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare.

- B. **Purpose:** The purpose of this Ordinance is to provide standards and regulations in accord with the adopted Comprehensive Plan and to promote the health, safety, and general welfare of the City by:
1. Protecting property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.
 2. Ensuring that adequate public facilities and services are provided to the people at reasonable cost.
 3. Ensuring that the economy of the state and localities is protected.
 4. Ensuring that the important environmental features of the state and localities are protected.
 5. Encouraging the protection of prime agricultural, forestry, and mining lands and land uses for production of food, fiber and minerals, as well as the economic benefits they provide to the community.
 6. Encouraging urban and urban-type development within incorporated cities.
 7. Avoiding undue concentration of population and overcrowding of land.
 8. Ensuring that the development on land is commensurate with the physical characteristics of the land.
 9. Protecting life and property in areas subject to natural hazards and disasters.
 10. Protecting fish, wildlife, and recreation resources.
 11. Avoiding undue water and air pollution.
 12. Allowing local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.

SECTION 4.0 SCOPE

This Ordinance does not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law or ordinance, the provisions of this Ordinance shall control. The provisions of this Ordinance shall apply to buildings, structures, and lands situated within the City of Clark Fork, Idaho and to those buildings, structures, and lands hereafter annexed to the City.

SECTION 5.0 DEFINITIONS

- A. For the purposes of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- B. The following words and terms when used in this Ordinance shall have the meanings ascribed to them in this section:

Accessory Structure: A structure attached to or located adjacent to any building or structure such as awnings, carports, garages, porches or steps.

Abut or Abutting: Means contiguous to.

Accessory Use: A use that is customarily incidental and subordinate to the principal or approved conditional use, and is conducted or located upon the same property with the main use or building. It shall not include any building containing a dwelling unit, as herein defined.

Alley: A minor street providing secondary access at the rear or side of a property otherwise abutting a street and not intended for general traffic circulation. Access through an alley to the property shall not be considered legal access for purposes of fulfilling the requirements of this Ordinance.

Alterations: As applied to a building or structure is a change or rearrangement in the structural parts or in the exit, facilities, or an enlargement, whether by extending on a side or by increasing in height, or in the moving from one location to another.

Building: Any structure built or maintained for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The word “building” shall include the word “structure.”

Bed and Breakfast: An owner-operator occupied residence with guest rooms available for rent and where meals are served from a central kitchen only to overnight guests. The definition does not include motels, hotels, or similar lodging facilities constructed and operated as separate rental units.

Building Height: 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.

Child Day Care 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 1) the operator’s children or legal wards or children related by blood or marriage, 2) occasional personal guests, and 3) 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 “child care facility”.

There are three (3) types of childcare facilities:

1. **Family Day Care Home** – A childcare facility for six (6) or fewer children.
2. **Group Day Care Facility** – A childcare facility for seven (7) to twelve (12) children.
3. **Day Care Center** – A childcare facility for thirteen (13) or more children.

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.

Council, City Council: The words “Council” and “City Council” are interchangeable and refer to the City Council of the City of Clark Fork.

Cul-De-Sac: A passage or street having only one outlet.

Conditional Use: A use or occupancy of a structure, or a use of land, permitted only upon the issuance of a Conditional Use Permit and subject to the limitations and conditions specified by the City Council.

Dwelling Unit: Any structure, or portion thereof, providing independent living facilities for one family including provisions for living, sleeping, eating, cooking, and sanitation.

Easement: A right of use within or over a lot or parcel of land reserved for public utilities or public and private uses.

Existing Properties: Those properties platted as of June 8, 1998.

Fence: Any structure or material forming a physical barrier.

Floodplain: The relatively flat area or low land adjoining the channel of a river, stream, lake or other body of water which has been or may be covered by water of a flood of one hundred (100) year frequency. The floodplain includes the channel, floodway or floodway fringe, as established pursuant to engineering practices of the U.S. Army Corps of Engineers.

Front/Frontage: On an interior property, “front” or “frontage” means the property line abutting the street. On a corner property, “front” or “frontage” means the property line abutting the street with the main entrance. For any property for which this definition does not clearly apply, the City may determine the front yard based upon the location of the front door of a structure or proposed structure.

Garage or Storage Building: 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.

Home Occupation: Any gainful operation, profession, or craft, carried on in a dwelling place and the use therein is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and which use does not change the character thereof and/or does not adversely affect the uses permitted in the zone of which it is a part. The occupation shall be carried on only by the immediate members of the family residing within the dwelling place.

Interior Lot Line: A property line that does not abut a street or alley.

Light Industry: 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.

Lot: A part of a subdivision officially recorded or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Recorder of Bonner County.

Manufactured Home: A structure constructed after June 15, 1976, that bears the seal of U.S. Department of Housing and Urban Development (HUD) and/or the Federal Housing Administration (FHA) indicating it has met the manufactured home construction and safety standards of that agency.

Mobile Home: A factory-assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation.

Motor Home: A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

Newly Developed Properties: Those properties developed and/or subdivided after June 8, 1998.

Non-Conforming Use: A use of property and/or structure that was lawful at the time of its establishment and under which subsequently enacted ordinances is no longer permitted.

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

Property, Corner: A lot at the junction of two or more intersecting streets with a property line abutting on each of the streets.

Property, Interior: A lot which customarily abuts only one street.

Property Line: The line denoting the limits of legal ownership of property.

Public Service and Utility Facilities: Includes: fire stations, police stations, city government buildings, telephone switching facilities, cemeteries, pumping stations, electric substations, and similar public service facilities.

Rear: The property line abutting an alley and/or is opposite the front property line.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The entities are: travel trailer, camping trailer, truck camper, fifth-wheel trailer, and motor home.

Secondary Front: On a corner property, the property line abutting the street which extends in the same general direction as the lot line determining the depth and, is perpendicular to the property line that has been determined to be the "front."

Setback: The minimum required distance between a property line or other boundary specified by this ordinance and a structure.

Setback Line: The line which defines the width or depth of a required yard. Such setback line is parallel with the property line and removed there from by the perpendicular distance set forth herein. No portion of a building or structure shall reside or project into any such yard except as set forth herein.

Side: See "Interior lot line."

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).

Structure: A combination of assembled materials providing shelter; support or an extension of shelter or support, constructed, placed, or built; or anything artificially built up or composed of parts joined together in some manner which requires location on the ground or attachment to something having a location on the ground. Among other things, structures include: buildings, mobile homes, manufactured homes, towers, walls, fences not exceeding six feet (6') in height, and billboards. Not included are: patio slabs, paved areas, walks, flag poles, and similar facilities.

Structure, Principal: A structure in which the main use authorized by the Zoning District is conducted. In the Residential District, a dwelling shall be deemed to be the principal structure. Accessory structures, such as tool sheds, garages, and other such subordinate structures are not principal structures.

Travel Trailer: A vehicle unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle and of gross trailer area less than three hundred twenty (320) square feet.

Use: The specific purpose, for which land or a building is erected, arranged, designed or intended, or for which land or a building is or may be occupied or maintained.

Variance: An exception to the terms of this Ordinance, approved by the City Council, where such variance will not be contrary to the public interest, and where owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

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

Yard: An unoccupied space on a lot on which a building is situated, which space is open from the ground upward except for projections permitted herein.

SECTION 6.0 ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

Zoning Districts Established: For the purposes of this Ordinance and to implement the policies of the adopted Comprehensive Plan, the City of Clark Fork, Idaho, is hereby divided into Zoning Districts as hereinafter provided:

- A. **Maps and Boundaries:** The zones established in this Ordinance shall be applied as depicted on the official Zoning Map, which is hereby incorporated into this Ordinance by reference as it exists today or as modified by the text of subsequent amending ordinances. The boundaries of the zoning districts are hereby established as shown on the official Zoning Map titled "Zoning Map of the City of Clark Fork, Idaho," and which has been adopted as the official Zoning Map of the City of Clark Fork. The official Zoning Map shall bear the signatures of the Mayor and City Clerk. The official Zoning Map shall be maintained by the City Clerk.

- B. Interpretation of Zoning District Boundaries: Where uncertainty exists as to the boundaries of any zoning district as shown on the official Zoning Map, the following shall apply:
1. As much as possible, Zoning District's boundaries shall fall at the alleyway or back property line so that like uses will be facing each other.
 2. Zoning across lot lines: If a lot which was platted or recorded prior to the adoption of this Ordinance is split by two different zones, the lot shall be considered, in whole, zoned to that use in which a majority of the lot is zoned.
 3. Where zone boundaries are indicated as approximately following the centerline of street or highway right-of-way lines, streams, lakes or other bodies of water, the centerline shall be construed to be such boundary. Where the zoning boundary follows a railroad right-of-way, such boundary shall be deemed to be located in the center of the right-of-way, unless otherwise clearly designated.
 4. Where zone boundaries approximately follow lot lines, such lot lines shall be construed to be the boundaries.
 5. Where zone boundaries are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such zone boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official Zoning Map.
- C. Map Amendments: Any amendment to Zoning District boundaries shall be documented at the time the amendment is approved, including reference to the ordinances authorizing changes. A register of such changes, including descriptions of the lands affected thereby, shall be maintained by the City Clerk, until such time as a replacement map is adopted reflecting the amendments.
- D. Replacement Map: The City Council is authorized to adopt by resolution a replacement Zoning Map whenever the official Zoning Map is damaged, lost, destroyed, is difficult to read due to multiple amendments, contains drafting errors, outdated parcel information, or outdated imagery. The replacement map shall supersede the official Zoning Map upon approval of the City Council and endorsement by the Mayor and City Clerk. The replacement map shall not amend any Zoning District boundaries.

SECTION 7.0 ZONING DISTRICTS

Subsection 7.1 Purpose

The Zoning Districts created by this section are established to promote the orderly development and maintenance of commercial and industrial areas that are compatible with adjacent residential land uses and supplied with adequate existing or potential public services and facilities. The zoning regulations contained herein recognize that commercial and industrial land uses can have substantial impacts on the community as a whole and upon the public services and facilities which are used by City residents. The City of Clark Fork, Idaho is hereby divided into four Zoning Districts which shall be known as:

- A. Residential (R)
- B. Highway Commercial (HC)
- C. Neighborhood Commercial (NC)
- D. Light Industrial (LI)

Subsection 7.2 Residential (R)

- A. Purpose: The purpose of the Residential Zone is to identify land and set standards in accordance with the adopted comprehensive plan to promote single-family dwellings and to allow multi-family dwellings within large-lot areas where adequate services, open spaces, and parking can support them.

This zone is also established to allow small, in-home businesses provided standards are met to protect the neighborhood from impacts from noise, traffic, and potential hazards.

- B. Permitted, Conditionally Permitted, and Prohibited Uses: The uses permitted by right, conditionally permitted, and prohibited are listed in tables at Subsection 7.6 of this Ordinance.
- C. Minimum Standards: The minimum setback and development standards for this Zoning District are contained in the table at Subsection 7.8 of this Ordinance.
- D. Parking: Long-term parking (parking or storage of any type of vehicle, trailer, etc. for a period of three (3) consecutive days without moving) will not be allowed in the City right-of-way. Vehicles in violation of this standard shall be moved within three (3) days of written notification by the City.

Subsection 7.3 Highway Commercial (HC)

- A. Purpose: The purpose of this zone is to provide for areas in accordance with the Comprehensive Plan that will fulfill the need for travel-related services, retail sales, and professional offices servicing a major highway and catering both to local and travel-related services.
- B. Permitted, Conditionally Permitted and Prohibited Uses: The uses permitted by right, conditionally permitted, and prohibited are listed in the tables in Subsection 7.6 of this Ordinance.
- C. Minimum Setback and Lot Coverage: To the extent the setback and lot coverage requirements set forth below conflict with other sections of this Ordinance, the setback requirements in Subsection 7.8 of this Ordinance shall control.
- D. Front, side and rear setbacks shall be for pedestrian amenities and the City encourages joint efforts between adjoining property owners. Suggested amenities include: public art, landscape treatment, seating, flowers/shrubs/tree displays in movable planters, outdoor dining, plazas, streetscape extension, and bike racks.
- E. Limitation on Uses: Operations conducted on the premises shall meet the standards listed in Subsection 7.6 of this Ordinance.

Subsection 7.4 Neighborhood Commercial (NC)

- A. Purpose: The purpose of this zone is to provide for areas in accordance with the Comprehensive Plan for local commercial service needs primarily located at selected places at the perimeter of low-density residential neighborhoods.
- B. Permitted, Conditionally Permitted and Prohibited Uses: The uses permitted by right, conditionally permitted, and prohibited are listed in the tables in Subsections 7.6 of this Ordinance.
- C. Minimum Setback and Lot Coverage: To the extent the setback and lot coverage requirements set forth below conflict with other sections of this Ordinance, the setback requirements at Subsection 7.8 of this Ordinance shall control.
- D. Structures may be visually tied to adjoining structures. Examples of methods to visually tie such structures together include: screening walls, facade walls, courtyards, and landscaping.
- E. Front, side, and rear setbacks shall be for pedestrian amenities, and the City encourages joint efforts between adjoining property owners. Suggested amenities include: public art, landscape treatment, seating, flowers/shrubs/tree displays in movable planters, outdoor dining, plazas, streetscape extension, and bike racks.
- F. Limitation on Uses: Operations conducted on the premises shall meet the standards listed in Subsection 7.6 of this Ordinance.

Subsection 7.5 Light Industrial (LI)

- A. Purpose: The purpose of this zone is to provide areas by zoning procedures and in accordance with the Comprehensive Plan in which industrial uses may locate, substantially free from residential and/or

retail commercial activities. The Light Industrial Zone is intended for light manufacturing and less abrasive industrial activities, particularly where heavy industry may not be appropriate.

- B. Permitted, Conditionally Permitted and Prohibited Uses: The uses permitted by right, conditionally permitted, and prohibited are listed in the tables in Subsections 7.6 of this Ordinance.
- C. Permitted Principal Uses and Structures: Industrial uses are the uses of land and buildings for manufacturing, processing fabrication, assembly, freight hauling, mini storage, warehouse and storage facilities, or similar operations. All industrial operations in the Light Industrial Zone shall:
1. Be carried on within completely enclosed buildings and in such a manner as to provide precautions against fire and explosion hazards.
 2. Store all raw material, finished products, machinery, and equipment, including company-owned or operated trucks, within a sight-obscuring non-pierced fence no less than six feet (6') in height.
 3. Emit no obnoxious odors of any kind.
 4. Exhaust no waste or dust created by industrial operation into the air.
 5. Discharge no treated or untreated sewage or industrial waste into any waterway. Discharge and disposal of untreated and industrial waste shall comply with the standards approved by the Idaho Department of Environmental Quality.
 6. Not carry on any operation that would produce heat or perceptible glare on public highways or neighboring property.
 7. Not use any industrial or exterior lighting in a manner that produces glare on public highways or neighboring property.
 8. Conduct no mining, extraction, filling, or soil stripping operations.
 9. Use only oil, gas, or electricity as industrial fuel.

Subsection 7.6 Uses

The following tables list the permitted, conditionally permitted, and prohibited uses within the various zoning districts. The tables shall be interpreted as follows:

- A. Where the letter "P" appears in the box, the use is permitted in the given district;
- B. Where the letter "C" appears in the box, the use is conditionally permitted in the given district;
- C. Blank boxes mean the use is not permitted in the given district;
- D. Standards associated with a given district or use are identified with a numeral in parenthesis that corresponds with standards listed below each table;
- E. New or unlisted uses shall be administered as provided in Subsection 7.7 of this Ordinance.

Residential Uses

P = Authorized; C = Specially permitted; [blank box] = Prohibited use

USE	RESIDENTIAL (R)	HIGHWAY COMMERCIAL (HC)	NEIGHBORHOOD COMMERCIAL (NC)	LIGHT INDUSTRIAL (LI)
Accessory dwelling unit (ADU)	P (1)	P (1)	P (1)	
Detached garages, garages, workshops, and shops	P (2)	P	P	P
Duplex (2-unit dwelling)	C			
Greenhouse, private, non-commercial, no sales to public	P			

USE	RESIDENTIAL (R)	HIGHWAY COMMERCIAL (HC)	NEIGHBORHOOD COMMERCIAL (NC)	LIGHT INDUSTRIAL (LI)
Manufactured, mobile home parks			P (3)	
Multi-family dwelling	C			
Rooming and Boarding Houses			C	
Single-family dwelling	P	P	P	

Standards Associated with Subsection 7.6 of this Ordinance:

(1) A second or subordinate dwelling for use as an independent living unit. May be attached or detached. No more than one per lot or parcel. Maximum 750 square feet of habitable living space, not including decks, patios, garages, or utility spaces. One additional off-street parking space shall be provided. Shall meet all structural standards of zoning code.

(2) Such structures shall be constructed simultaneously or subsequent to the single-family dwelling. The permitted construction of accessory structures shall not be construed as permitting any commercial uses.

(3) Subject to standards of Section 11.0 of this Ordinance.

Commercial/Industrial Uses

P = Authorized; C = Specially permitted; [blank box] = Prohibited use

USE	RESIDENTIAL (R)	HIGHWAY COMMERCIAL (HC)	NEIGHBORHOOD COMMERCIAL (NC)	LIGHT INDUSTRIAL (LI)
Barber, Beauty Shops		P	P (2)	
Bed & Breakfast	C	P		
Child Daycare, Daycare Center		C	C	
Child Daycare, Family Home	C			
Child Daycare, Group Facility			C	
City Facilities			P	
Convalescent and Care Facilities			C	
Convenience Stores		P		
Copying, Printing Services			P	
Fabrication, processing and assembly				P (1)
Freight Hauling				P (1)
Fuel Sales, Retail			C	
Hardware Stores			C	
Home Occupations	C			
Hotels, Motels		P		
Laundry, Dry Cleaning (excludes plant operations)			P	
Light Industrial				P (1)
Liquor Establishments, On- and Off-premise Sale		P		
Manufacturing				P (1)
Motor Vehicle Sales			P	
Neighborhood Retail			P (2)	
Professional Offices		P	P	
Restaurants		P	P (2)	
Recreational Vehicle (RV) parks (3)		P		
Retail Sales		P	P (2)	
Service stations (4)		P		
Social Halls, Lodges,			C	

USE	RESIDENTIAL (R)	HIGHWAY COMMERCIAL (HC)	NEIGHBORHOOD COMMERCIAL (NC)	LIGHT INDUSTRIAL (LI)
Fraternal Organizations Establishments, Clubs				
Storage (5)		P		P
Theaters		P	C	
Truck Service Stations		P		

Standards Associated with Subsection 7.6 of this Ordinance:

(1) Subject to the standards of Subsection 7.5 of this Ordinance.

(2) The following uses are allowed when conducted within a building: neighborhood retail stores or shops, such as food stores, drug stores, confectioneries, beauty parlors and barber shops, variety stores, bookstores, shoe shops, offices, flower shops, and restaurants.

(3) Includes RV and travel trailer/motor home parks or courts, when established on a site of not less than five (5) acres and at a density not to exceed fifteen (15) unit spaces per acre. Subject to the standards of Section 12.0 of this Ordinance.

(4) Includes vehicle service stations, automobile car washes, repair garages (excluding body shops), and towing services.

(5) Storage includes mini, boat/RV type warehouse and storage facilities or similar operations.

Public/Other Uses

P = Authorized; C = Specially permitted; [blank box] = Prohibited use

USE	RESIDENTIAL (R)	HIGHWAY COMMERCIAL (HC)	NEIGHBORHOOD COMMERCIAL (NC)	LIGHT INDUSTRIAL (LI)
Churches	C	P	C	
Libraries			C	
Parks, Playgrounds	C	P	C	
Public Service and Utility Facilities	C	P	C	
Schools	C	P		
Wireless Services (Towers) (1)	C	C	C	C

Standards Associated with Subsection 7.6 of this Ordinance:

(1) Subject to the specific standards of Section 9.0 Paragraph Z of this Ordinance.

Subsection 7.7 New or Unlisted Uses

When a use is proposed that is not listed in this Ordinance as permitted, conditionally permitted, or prohibited, the following procedures shall be used to determine the appropriate zoning classification for any new, unanticipated, or unclassified uses proposed in the city:

- A. **Request:** Anyone proposing a use that is not listed in this Ordinance shall submit to the City a description of the proposed use including: the type and nature of the use, activities, anticipated employment, use of machinery, and any other details the City determines necessary to fully evaluate the use.
- B. **Review:** The City shall review the proposed use, the nature of the proposed operations, and its similarity to other uses in zoning regulations. Using the North American Industry Classification System (NAICS) as amended, modified, or superseded, the City staff shall recommend to City Council that:
 1. The use falls within the same industrial classification as another similar use that is permitted, conditionally permitted, or prohibited in city zoning regulations. The proposed use shall be similarly classified and shall be designated as permitted, conditionally permitted, or prohibited.
 2. The use is unique, and an amendment to zoning regulations, at the landowner's expense, would be necessary to determine placement in the appropriate Zoning District.
- C. The City Council shall make the final determination regarding the new or unlisted use at a Regular City Council Meeting, allowing sufficient time for agenda notice.

Subsection 7.8 Dimensional Standards

The following table establishes the minimum setback standards and maximum height and coverage standards for each Zoning District. Additional standards or restrictions listed below the table apply as indicated. Additional site development standards and objectives are included in Zoning Districts, Section 7.0 of this Ordinance.

DIMENSIONAL Standard by zone	Residential (R)	Highway Commercial (HC)	Neighborhood Commercial (NC)	Light Industrial (LI)
Minimum lot size for newly developed properties	14,520 sq. ft.	(1)	(1)	(1)
Minimum lot width for newly developed properties	90 ft. at front setback line	(1)	(1)	(1)
Minimum street frontage for newly developed properties	125 ft. (2)	None	None	None
Front yard and secondary front yard setbacks, lots with frontage <70'	10 ft.	10 ft. (3)	10 ft. (3)	10 ft. (3)
Front yard and secondary front yard setbacks, lots with frontage ≥ 70'	15 ft.	10 ft. (3)	10 ft. (3)	10 ft. (3)
Rear yard setback	10 ft.	None	None	None
Side yard setback, lots with frontage <70'	5 ft.	10 ft. (3) (4)	10 ft. (3) (4)	10 ft. (3) (4)
Side yard setback, lots with ≥ 70' frontage	7 ft.	None	None	None
Maximum Height	Two (2) stories not to exceed 30'.	Two (2) stories, not to exceed 30'	Two (2) stories, not to exceed 30'	None
Maximum lot coverage	None	85% (5)	85% (5)	None

Standards associated with Subsection 7.8 Table of this Ordinance:

- (1) Shall be of sufficient size to accommodate all parking, setback, landscaping, access, lot coverage, or other Zoning District standards required by this Ordinance.
- (2) Lots with frontage on cul-de-sac shall have a minimum frontage on a public street of not less than sixty-five feet (65') measured as a chord.
- (3) Applies to all types of lots.
- (4) Zero lot line setback permitted where structures are attached. A minimum 10 feet (10') required if separated.
- (5) Lot coverage by buildings or structures. Applicant shall demonstrate site can accommodate required parking on or off site, if maximum coverage by buildings is reached.

SECTION 8.0 PLANNED UNIT DEVELOPMENTS (PUD)

A. Purpose: In selected instances, departures from the requirements and allowed uses of the Zoning Districts of this Zoning Ordinance may be made through a Planned Unit Development. A Planned Unit Development allows for:

1. Innovations and special features in site development in a manner consistent with the public health, safety and welfare.
2. A maximum choice of living environments by allowing a variety of housing and building types.
3. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
4. A development pattern which preserves and utilizes natural topography and geologic features; scenic vistas; trees and other vegetation; and prevents the disruption of natural drainage patterns.

5. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
 6. A development pattern in harmony with land use density, transportation, and community facilities objectives of the Comprehensive Plan.
- B. Effect of Other Zoning Provisions:
1. Planned Unit Development shall not be used as a means to sidestep use and density prohibitions of the underlying Zoning District without justification or as a mechanism to deal with development problems that should be addressed by securing a Variance or Conditional Use Permit. Where a Planned Unit Development applicant proposes densities, uses, lot layout, building setbacks, or other features that depart from the provisions of the underlying Zoning District, it shall be the responsibility of the applicant to indicate how these special features of the development justify such departures.
 2. Whenever there is conflict or differences between the provisions of this Section and those of the other Sections of this Ordinance, the provisions of this Section shall prevail. Subjects not covered by this Section shall be governed by the respective provisions found elsewhere in this Ordinance.
 3. In addition to the requirements of this Section, Planned Unit Developments shall also be subject, but not limited to the requirements set forth in the Development Standards.
- C. Ownership Requirements: An application for approval of a Planned Unit Development may be filed by a property owner or a person having an existing interest in the property to be included in the Planned Unit Development. The Planned Unit Development application shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the application may be filed by the holder(s) of an equitable interest in such property. Before approval is granted to the Final Development Plan, the entire project shall be under single ownership or control and legal ownership must be presented with the Final Development Plan.
- D. Required Use Findings: All uses that may be allowed within the land use district are permitted within a Planned Unit Development. Also, up to ten percent (10%) of the gross land area may be directed to other commercial, public, and quasi-public uses that are not allowed within the land use district; provided, that there is a favorable finding by the City Council that:
1. The proposed development is consistent with the Comprehensive Plan.
 2. The uses in the proposed development are permitted in the underlying Zoning District or are permitted within this PUD Section.
 3. The proposed development is compatible with existing zoning and development of the area.
 4. The uses are intended to serve principally the residents of the PUD.
 5. The uses are planned as an integral part of the PUD.
 6. The uses are located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards.
 7. The roads and streets, whether public or private, within and contiguous to the site comply with the City's construction standards for streets.
 8. The proposed development will not have significant adverse impact on the public infrastructure and surrounding properties.
 9. The perimeter of the PUD is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design.
 10. Landscaping within and along the perimeter of the PUD enhances the visual compatibility of the development with the surrounding neighborhood.

11. Open space within the PUD must be an integrated part of the project rather than an isolated element of the project.

E. Site and Structure Regulations and Requirements:

1. Minimum Area: A Planned Unit Development for the following principal uses shall contain an area of not less than:
 - a) Three (3) acres for residential development.
 - b) Five (5) acres for residential uses with subordinate commercial uses.
 - c) Ten (10) acres for commercial use.
 2. Open Space:
 - a) Required Common Open Space: A minimum of ten percent (10%) of the gross land area developed in any Residential Planned Unit Development project shall be reserved for open space and recreational facilities for the residents or users of the area being developed. Open space used for storm water retention or irrigation facilities, or combined, shall not exceed 50% of the minimum open space requirements.
 - b) Dedication of Land for Public Use: A required amount of open space land reserved under a Planned Unit Development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation, and related uses. Public utility and similar easements and right of way for watercourses and other similar channels are not acceptable for open space dedication unless such land or rights-of-way is usable as a trail or other similar purpose and approved by the City Council.
 - c) Maintenance: The responsibility for the maintenance of all open spaces must be specified by the developer before approval of the Final Development Plan.
 - d) Clustering: Every property developed under the PUD approach should be designed to abut upon open space or similar areas. A clustering of dwellings is encouraged.
- F. Utility Requirements: Fire hydrants, sidewalks, curbs, and storm drainage shall be provided as required to adequately service the development. Underground utilities, including telephone and electrical systems, are required within the limits of all Planned Unit Developments. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the City Council finds that such exemption shall not violate the intent or character of the proposed Planned Unit Development.
- G. Residential Density: The residential density of a Planned Unit Development shall not exceed 4.8 dwelling units per acre. Any lot upon which a detached single-family dwelling is proposed shall contain at least ninety-seven hundred (9700) square feet.
- H. Increased Residential Density: To provide for an incentive for a quality Planned Unit Development, the City Council may authorize an increase in residential density of up to fifteen percent (15%) of the allowable number of dwelling units. Character, identity and architectural and siting variations incorporated in a development may be considered cause for an increase in residential density, provided the following factors make a substantial contribution to the objectives of the Planned Unit Development:
1. Landscaping, streetscape, open spaces and plazas, use of existing landscaping, pedestrian way treatment, and recreational areas.
 2. Siting, visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks, and building grouping (such as clustering).
 3. Design features, street sections, architectural styles, harmonious use of materials, parking areas broken by landscaping features, and varied use of housing types.

4. Each of the three above items may provide an increase of five percent (5%) in increased residential density for a maximum increase in density of fifteen percent (15%).
- I. Arrangement of Commercial Uses: When Planned Unit Developments include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.
- J. Procedure for Review and Approval of Planned Unit Development: Review of a proposed planned Unit Development or of major modifications to an approved Planned Unit Development shall consist of a Preliminary Planned Unit Development Review and a Final Planned Unit Development Review. All Planned Unit Developments require a Conditional Use Permit and shall be processed according to the procedures for consideration of Conditional Use Permits set forth in Subsection 15.1 of this ordinance. When the Planned Unit Development also qualifies as a subdivision, the processing of the Conditional Use Permit and Subdivision Application shall occur at the same time. The granting of a Conditional Use Permit for a Planned Unit Development shall require the submission of a Preliminary Development Plan and approval by the City Council of a Final Development Plan as specified within this Ordinance.
- K. Planned Unit Development Plan:
 1. Application: An application for Planned Unit Development Plan shall be filed with the Clark Fork City Clerk by a property owner or person having existing interest in the property for which the Planned Unit Development is proposed. The application shall be accompanied with payment of all applicable fees (PUD, Conditional Use Permit, Subdivision, etc.) as set and amended by resolution of the Clark Fork City Council. At a minimum, the application shall contain the following information:
 - a) Name, address and phone number of applicant(s).
 - b) Name, address and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the Preliminary Development Plan.
 - c) A legal description of the total site proposed for development.
 - d) Description of existing use.
 - e) Current zoning districts.
 - f) A vicinity map at a sufficient scale to clearly illustrate all property lines, streets, existing and proposed zoning and such other items as the City may require to show the relationship of the PUD to the Comprehensive Plan and to existing schools and other community facilities and services.
 - g) Deed restrictions and protective covenants (CCRs) and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.
 - h) A Preliminary Development Plan.
 2. Preliminary Development Plan: The Preliminary Development Plan shall be drawn at a legible scale and contain:
 - a) The topography in sufficient detail to determine the grades and character of the site as they relate to the improvement in the adjacent area.

- b) The location and type of residential and commercial land uses.
 - c) The layout, dimensions, and names of existing and proposed streets.
 - d) The location of all walkways and bicycle paths, their widths and whether they are to be public or private.
 - e) Rights of way
 - f) Utility easements
 - g) Preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas, and such other characteristics as the City Council deems necessary.
 - h) The layout and dimensions of lots and building setback lines.
 - i) The location, layout, and surfacing of all off-street parking areas.
 - j) Property boundary lines
 - k) The individual lot lines of each parcel that is to be created for separate ownership.
 - l) The areas to be conveyed, dedicated, reserved or used for: parks, playgrounds, or any other public use.
 - m) Landscaping and tree planting plans with the location of existing trees and shrubs which are to be retained.
 - n) A plan showing the location and intended use and number of dwelling units in each existing or proposed building or structure.
 - o) An elevation drawing of all typical proposed structures except single-family detached housing which meet the yard requirements of the underlying zoning district.
 - p) Lighting and signage proposals.
 - q) The location(s), area dimensions, and screening of garbage dumpster areas.
 - r) A development schedule indicating the approximate date when construction of the PUD can be expected to begin and be completed.
 - s) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within one year.
3. The application for Preliminary Planned Unit Development shall be accompanied by a written statement by the developer setting forth the reasons why the PUD would be in the public interest.
 4. Public Notice: The same provision for public hearing and legal notification as required for Conditional Use Permits, Subsection 15.6 of this Ordinance, shall be followed for the Preliminary Development Plan.
 5. Approval in Principle of Preliminary Development Plan: The City Council shall hear the Preliminary Development Plan and shall determine whether the plan is in accord with the general standards of Condition Use Permits found in Subsection 15.1 of this Ordinance and whether it meets the following additional standards:
 - a) Is consistent with the intent and purpose of this Ordinance.
 - b) Advances the general welfare of the community and neighborhood.
 - c) Benefits, combination of various land uses and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.
 - d) Can be initiated within one year of the date of approval.
 - e) Can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance shall be provided that such objective shall be attained

- and the uses proposed shall not be detrimental to present and potential surrounding uses, but shall have a beneficial effect which would not be achieved under standard district regulations.
- f) The streets and thoroughfares provide area suitable and adequate to carry anticipated traffic, and increased densities shall not generate traffic in such amounts as to overload the street network outside the PUD.
 - g) Any proposed commercial development can be justified at the locations proposed.
 - h) Any exception from standard district requirements is warranted by the design and other amenities incorporated in the Final Development Plan, in accordance with the PUD and the adopted policy of the City Council.
 - i) The area surrounding said development can be planned and zoned in coordination and with substantial compatibility with the proposed development.
 - j) The PUD is in general conformance with the Comprehensive Plan.
 - k) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

The City Council's approval in principle of the Preliminary Development Plan shall be necessary before an applicant may submit a Final Development Plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels or engineering feasibility.

The Council may impose conditions in accordance with Subsection 15.1 of this Ordinance to ensure the final plan is in accord with the approved Preliminary Development Plan.

- 6. Duration of Validity of Preliminary Planned Unit Development Approval: Approval of a Preliminary Planned Unit Development proposal shall expire twelve (12) months after the date of approval unless Final Planned Unit Development approval has been obtained prior to such time.

L. Final Development Plan:

- 1. Application for Approval: Upon approval in principle of a Preliminary Development Plan, an application for the Final Development Plan shall be filed with the Clark Fork City Clerk by at least one property owner or person having a presently existing interest in the property for which the PUD is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. At a minimum, the application shall contain the following information, consistent with the approved Preliminary Development Plan:
 - a) A survey of the proposed development site showing: the dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site including major wooded areas, structures, streets, easements, utility lines and land uses.
 - b) All the information required on the Preliminary Development Plan: the location and sizes of lots; location and proposed density of dwelling units; nonresidential building intensity; and land use considered suitable for adjacent properties.
 - c) A schedule for the development of units to be constructed in progression and a description of the design principles for: buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit and standards for height, open space, building density, parking areas, population density; and public improvements proposed for each unit of the development whenever the applicant proposed an exception from the standard zoning districts or other ordinances governing development.
 - d) Engineering feasibility studies and plans showing (as necessary): water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street

improvements; and nature and extent of earth work required for site preparation and development.

- e) Site plan showing: buildings; various functional use areas; traffic and pedestrian circulation; and their relationship.
 - f) Preliminary building plans including: floor plans and exterior elevations.
 - g) Landscaping plans.
 - h) Deed restrictions and protective covenants (CCRs) and other legal statements or devices to be used to control: the use, development, and maintenance of the land; and the improvements thereon, including those areas which are to be commonly owned and maintained.
2. The City Council shall review the Final Development Plan and shall approve with conditions or deny the plan, based upon whether the Final Development Plan is consistent with the approved Preliminary Development Plan. The City Council shall find that the facts submitted with the application and presented to them establishing that the final plat is in accord with the approved Preliminary Development Plan. Upon granting or denying the application, the City Council shall specify the ordinance and standards used in evaluating the application and the reasons for approval or denial. If denied, the Council shall specify the actions, if any, that the applicant could take to obtain a permit. If the application is either approved or approved with conditions, the City Council shall direct the City Clerk to issue the applicable permits only in accordance with the approved Final Development Plan and the supplementary conditions attached thereto.
3. Expiration and Extension of Approval Period: The approval of a Final Development Plan for a PUD shall be for a period not to exceed one year to allow for preparation and recording of the required subdivision plan and the development of the project. If no construction has begun within one year after approval is granted, the approved Final Development Plan shall be void. An extension of the time limit or modification of the approved Final Development Plan may be approved if the City Council finds that such extension or modification is not in conflict with the public interest.
- M. Amendments to Planned Unit Development Plans: Upon application for an amendment to an approved or constructed Planned Unit Development, the City Council shall make an initial determination whether the amendment constitutes a major or minor change in the Planned Unit Development plan. The City Council shall consider the intent and purposes of the zoning code and the purpose of the following in reaching this decision.
- 1. Minor PUD Amendment Procedure: A minor amendment to a PUD may be approved by the City Council without a Public Hearing. To approve a minor amendment the City Council must make the following findings. That the proposed amendment:
 - a) Does not alter the proposed enclosed square footage more than one percent (1%) or alter the unit count of the approved PUD plan.
 - b) Does not change the permitted uses.
 - c) Does not change the bulk or clustering of buildings or the visual impact of the development.
 - d) Does not change the location of uses or the layout of streets, trails, or pathways, except for minor adjustments within areas approved for development or within anticipated right-of-way.
 - e) Does not change the environmental impact of the development.
 - f) Is consistent with the public health, safety, and welfare.
 - 2. Major PUD Amendments: Amendments judged to be major by the City Council shall be reviewed and action taken using the same procedures as herein set forth for original PUD applications.

SECTION 9.0 GENERAL STANDARDS AND REQUIREMENTS

These general standards and requirements must be followed City-wide except as otherwise described in this Ordinance. The standards include, but are not limited to the following: conversions, remodeling, restoration, enlargement, expansion or replacement of existing buildings; expansion or replacement of existing building signs or sites; signs; common areas and parks; landscaping and streetscape; parking areas; grading and drainage; utilities; building design and materials; height and setbacks; and lot coverage.

All site application plans (Setback Permit and Plot Plan) shall be accompanied by the application fee as established by resolution by the Clark Fork City Council.

A. Purpose and Goals: The purpose of this Section is to:

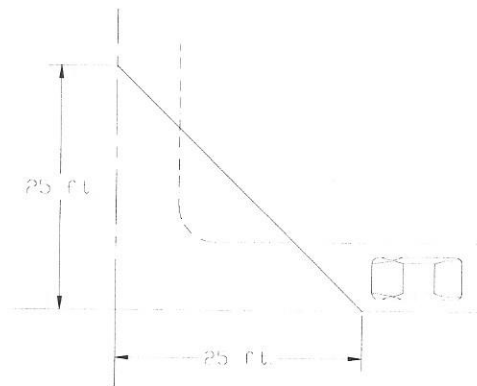
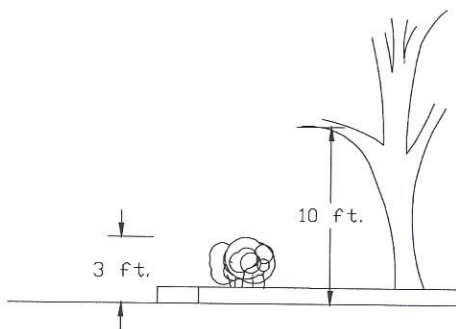
1. Recognize the interdependence of land values and aesthetics and to provide a method by which the City may implement this interdependence to the benefit of the community.
2. Encourage the development of property in harmony with the desired character of the City and in conformance with the requirements of this Ordinance.
3. Provide planning and design standards to give direction for development, while allowing for flexibility that promotes creative, market-driven development proposals.

B. Effect of Other Provisions: If any provision of this Ordinance is found to be in conflict with any other provision of any zoning, building, fire, safety, health, or other provision of Clark Fork City ordinances, the provision which establishes the higher and/or more restrictive design standard shall prevail.

C. General Development Standards: In addition to all other regulations as specified in this Ordinance, the following provisions shall be adhered to in all Zoning Districts:

1. No lot shall be developed without legal access to a public street. Should such street not be improved, it shall be the responsibility of the owner of the property being developed to improve the street to the following City standards:
 - a) All streets shall be built as per Appendix "A".
 - b) Must have a recorded plat or other document dedicating public right-of-way.
 - c) All streets in the flood plain must comply with the requirements of the State of Idaho and the Clark Fork Flood Damage Prevention Ordinance.
 - d) Must be constructed to form logical extension of existing streets.
 - e) Must comply with State and Federal regulations.
2. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the requirements herein for the district in which it is located.
3. No building shall hereafter be erected or altered to exceed the height to accommodate or house a greater number of families; to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, and/or side yards than is specified for the district in which such building is located.
4. No part of a yard or other open space about any building, required for the purpose of complying with the provisions of this Ordinance, shall be included as part of a yard or other open space similarly required for another building.
5. No lot, yard, setback, parking area, or other space shall be so reduced in area, dimension, or capacity as to make said area, dimension, or capacity less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance said area, dimension, or capacity shall not be further reduced.

6. **Yards in Multi-Family Dwellings:** Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear, and two (2) side yards as specified for dwellings in the appropriate district.
- D. **Residential Accessory Structures:** Accessory structures shall meet the following standards:
1. The structure shall not be used as an additional dwelling.
 2. The structure shall not be used for commercial or industrial purposes unless otherwise authorized.
- E. **Temporary Structures:** Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work may only be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.
- F. **Enclosed Trash Area:** All trash and/or garbage collection areas for commercial, industrial, and multi-family residential uses shall be enclosed on at least three (3) sides by a solid wall or obscuring fence of at least four (4) feet in height or within an enclosed building or structure. Adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Clark Fork City Council shall be provided.
- G. **Manufactured Homes for Family Members:** Notwithstanding any other provision in this Ordinance, a manufactured home occupied by a family member may be located on a lot upon which a single-family dwelling already exists; provided that a Conditional Use Permit is applied for in accordance with Subsection 15.1 of this Ordinance, and the City Council determines that the standards for the issuance of a Conditional Use Permit set forth in Subsection 15.1 of this Ordinance, are satisfied.
- H. **Fences: Visibility at Intersections:**
1. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between the height of three and ten feet (3' and 10') above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street right-of-way lines twenty five feet (25')



from the point of intersection (see following illustrations):

2. No fence may enclose the vision triangle at private street intersections, driveways, or alleys.
3. No fence shall exceed a height of six (6) feet, as measured from the original grade, except fences located on school grounds or in public parks, and shall be permitted along property lines except as otherwise prohibited by provisions of this Ordinance and state law.
4. All fences on the front setback shall not exceed the following height:
 - a) Solid fences – three (3) feet.

- b) Open rail, chain link and other open fences where the posts and material constitute not more than one-third (1/3) of the fence area – four (4) feet, six (6) inches.
- 5. Where any sight-obscuring fence is required by this Ordinance to protect adjacent properties, said fence shall be kept free from advertising, graffiti and maintained in good repair.
- 6. No barbed wire fences or other fences constructed in a manner that may be hazardous to persons or animals are permitted in any Residential Zone. Barbed wire may be permitted in Commercial or Industrial Districts only when used as the top section for security fencing and shall be a minimum of six (6) feet above grade of adjacent road or alley.
- 7. Additional height for open rail, chain link, and other open fences located within the front setback area may be permitted upon approval of the City Council.
- I. Exceptions to Height Regulations: The maximum height of structures contained in this Ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, flag poles, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- J. Utilities: Utility service systems shall not detract from building or site design, size, and location. All service systems shall be appropriate and maintainable. Utilities services shall be as follows:
 - 1. Electrical, cable-TV, and telephone service systems shall be installed underground unless otherwise allowed by the City Council to be placed above ground.
 - 2. Continued maintenance of these service systems shall be required.
- K. Landscape Requirements:
 - 1. Buffer Areas: A transition zone or buffer area consists of horizontal space (land) and vertical elements (plants, berms, fences, or walls). The purpose of such buffer space is to physically separate and visually screen adjacent land uses which are not fully compatible due to differing facilities, activities, or different intensities of use. For example, areas between townhouses and a convenience store or between a high-volume roadway and residential dwellings.
 - 2. Minimum Requirements:
 - a) When a commercial or industrial use abuts a residential use: a ten (10) foot wide by six (6) foot high landscaped buffer is required.
 - b) When a parking lot abuts a residential activity: a five (5) foot wide by six (6) foot high landscaped buffer is required.
 - c) When adjacent to or in view from a residential activity or public street right of way, a five (5) foot wide by six (6) foot high landscaped buffer is required to conceal outdoor storage areas, trash receptacles, and exposed equipment associated with any commercial, industrial activity, and/or off-street loading.
 - d) Upon site review, the City Council may require additional landscaping.
 - 3. Materials:
 - a) All buffer areas shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs, and ground cover in which evergreen plant materials comprise a minimum of sixty percent (60%) of the total plant material used.
 - b) Height requirements shall be accomplished with plant material, a fence, or decorative wall extending along the entire length of the exterior boundary line of the buffer area.
 - c) Chain link fencing, if approved, installed as a buffer in the Commercial or Light Industrial Zones is required to be installed with slats.
- L. Performance Requirements:

1. Performance Requirements: No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises. Exception: any use permitted by this Ordinance may be undertaken and maintained only if acceptable measures and safeguards are used to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:
 - a) Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting, fire prevention equipment, and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the International Fire Code and the National Safety Foundation publications.
 - b) Radioactivity or Electrical Disturbances: No activity shall emit harmful radioactivity or electrical disturbances at any point which adversely affect the operation of any equipment at any point other than that of the creator of such disturbance.
 - c) Noise: Objectionable noise which is due to the volume, frequency, or beat shall be muffled or otherwise controlled.
 - d) Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
 - e) Air Pollution: Air pollution shall be subject to the requirements and regulations established by the Idaho Division of Environmental Quality.
 - f) Glare: No direct or reflected glare shall be permitted which is visible from any property or street outside a commercial or light industrial district.
 - g) Erosion: No erosion by man, wind, or water shall be permitted which carries objectionable substances onto neighboring properties.
 - h) Water Pollution: Water pollution shall be subject to the requirements and regulations established by the local health authorities.
 - i) Landscaping and signage must meet the criteria outlined in this Ordinance.
2. Measurement Procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by: the American Standards Institute, Inc., New York; the Manufacturing Chemists' Association, Inc., Washington, D.C.; the United States Bureau of Mines; and the Idaho Division of Environmental Quality.
3. Enforcement: The City Council, prior to the issuance of any permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

M. Animal Clinic, Animal Hospital, Veterinary Office, and Kennel:

1. Shall be located at least two hundred and fifty (250) feet from any residence, including motels and hotels, except for an owner's residence. The City Council may modify these requirements if the animals are completely housed in soundproof structures that completely screen them from view of the abutting residential property.
2. Shall comply with all State and local regulations relative to such an operation and maintain adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.
3. Fencing shall be required for any outdoor use for animals. The fencing shall be a six (6) foot fence to secure animals and to buffer adjacent land uses.

- N. Livestock: The raising, boarding, or keeping of livestock within the corporate limits of the City of Clark Fork is prohibited except as provided in the Clark Fork Animal Control Ordinance.
- O. Automotive, Hobby: (Residential)
1. Retail or wholesale sales of automotive parts or supplies is prohibited.
 2. No commercial restoration, repair, or maintenance of motor vehicles.
 3. Site for hobby shall be maintained in an orderly manner, with no more than two (2) inoperable, dismantled, or unregistered motor vehicles on site.
 4. Vehicles must be stored in the rear or side yard behind a sight-obscuring fence or densely planted hedge or within a completely enclosed structure.
- P. Automobile Service and Repair Stations: Automobile Service and Repair Stations shall be subject to the following additional standards:
1. The lot upon which an automobile service or repair station is located shall have a width of at least one hundred (100) feet fronting on a public street and an area of at least ten thousand (10,000) square feet.
 2. No new or used motor vehicles shall be sold or exhibited for sale on any part of the lot.
 3. No motor vehicles left for service shall be left on the lot for a period exceeding thirty (30) days.
 4. No business not incidental to the normal conduct of an automobile service or repair station shall be permitted on the same lot.
- Q. Automobile Sales and Rental Lots: The sales or rental of cars and other motor vehicles shall be subject to the following standards:
1. The lot upon which automobile sales or automobile rentals are located shall have a width of at least one hundred (100) feet fronting on a public street and an area of at least ten thousand (10,000) square feet.
 2. The use of Automobile Sales and Rental Lots shall not constitute a wrecking yard as herein defined.
 3. All repair activities shall occur within an enclosed structure.
 4. Outdoor storage of accessories, replacement parts, or discarded parts shall not be allowed.
 5. Inoperable, wrecked, or dismantled vehicles shall be stored behind a sight-obscuring fence or within an enclosed structure and shall not remain on the premises longer than thirty (30) days.
 6. No business not incidental to the normal conduct of automobile sales and rental shall be permitted on the same lot.
 7. Strings of lights or pennants shall not be used, hung, suspended, or erected on any automobile sales or rental lot.
- R. Bulk Storage of Flammable Liquids and Gases Above Ground for Resale: The storage facility shall:
1. Be located at least five hundred (500) feet from a residential zone, a residence, motel or hotel, except for an owner's residence.
 2. Be erected subject to the approval of the Clark Fork Fire Department.
 3. Have suitable loading and unloading spaces and off-street parking facilities subject to the approval of the City Council.
- S. Car Wash Facility: A Car Wash Facility shall comply with the following requirements:
1. All businesses providing self-service or drive-through automotive washing facilities shall identify the stacking lane and wash location on the site plan.

2. A fifty (50) foot separation shall be maintained between any car wash facility and any residential district.
 3. No outdoor speaker system shall be allowed.
 4. All car washing facilities must be approved by the City Council of the City of Clark Fork.
- T. Child Day Care Facility: The facility shall not adversely impact surrounding properties due to noise, traffic, or other related activities. Such facilities shall be located and screened from adverse impacts to the health, safety, and welfare of the children. Group Day Care Facilities and Day Care Centers require a Conditional Use Permit. Requirements for all Child Day Care Facilities include but are not limited to the following:
1. Application and Fees shall be submitted to the City Clerk upon forms provided by the City Clerk.
 2. Applicant shall secure and maintain certification from the State of Idaho Dept. of Health and Welfare-Family Services Division.
 3. There shall be one (1) designated off-street parking space per employee.
 4. Group Child Care Facilities and Day Care Centers shall provide an off-street child pickup area as provided for in the parking requirements in this Ordinance.
 5. Group Child Care Facilities and Day Care Centers shall provide a six (6) foot sight-obscuring fence for protection of the safety and welfare of children.
 6. Swimming Pools: shall be completely enclosed by barriers to protect small children. Locked gates shall be provided to secure entrances and exits as outlined in the swimming pool section of this Ordinance.
 7. Outdoor play equipment shall not be located in a front yard except where fencing meets the requirements of the Clark Fork City ordinances.
 8. Fencing and gates shall be inspected and approved by the Clark Fork City Council prior to the facility functioning as a business.
- U. Contractor's Yard: A contractor's yard shall:
1. Be located a minimum distance of three hundred (300) feet from any residence, except for an owner's residence.
 2. Have a minimum six (6) foot screening fence around areas utilized for storage of equipment.
 3. Be limited to storage, maintenance, and processing incidental to contracting work.
 4. Service, storage, and loading areas located at the rear or side of structures.
 5. Landscaping and signage must meet the criteria outlined in this Ordinance.
- V. Drive-Up Window Services:
1. All businesses providing drive-up window services shall identify the stacking lane, service menu and speaker location (if applicable), and window location on the site plan.
 2. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way by patrons. Stacking lanes shall not be located within ten (10) feet of any residential district.
 3. Any outdoor speaker system associated with the drive-up window service shall be designed and located to be inaudible from abutting properties.
- W. Home Occupation: All home occupations shall require City Council review and approval. Application for home occupations shall be filed with the City Clerk and be consistent with the following:
1. Only members of the immediate family residing on the premises shall be engaged in such occupation.

2. The use of the dwelling unit for the home occupations shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and no more than twenty-five percent (25%) of the floor area of the dwelling shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
4. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance, and shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of 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 cause fluctuations in line voltage off the premises.
6. No storage of materials or supplies outdoors or in any accessory detached storage structure.
7. It shall not involve the use of structures other than those permitted in the district of which it is a part.
8. Signage shall be limited to twelve (12) square feet maximum.
9. It shall not involve the use and parking of a commercial vehicle.

X. Swimming Pools (Outdoor):

1. Outdoor swimming pools shall be completely enclosed by a barrier of at least four (4) feet in height. All gates into the pool area shall be self-closing and equipped with a gate latching device placed at the top of the gate or otherwise secured against entry by small children.
2. Outdoor swimming pools shall not be located in the front yard and located not less than ten (10) feet away from any property line.

Y. Storage Facility, Self-Service:

1. Storage areas shall not be used as dwellings or as commercial or industrial places of business. The manufacture or sale of any item from or at a self-service storage facility is specifically prohibited except for the disposal of forfeited contents, at auction, by the facilities owner.
2. The driveway between structures shall be at least eighteen (18) feet wide.
3. No structure, facility, drive lane, nor parking area shall be located within 20 feet of a residential district unless a six (6) foot concrete block or similar sound reducing wall is provided.
4. If abutting a residential district, the facility hours of public operation shall be limited to 7:00 am to 9:00 pm.
5. Storage of any hazardous materials is prohibited.

Z. Towers (Wireless Services):

1. Setbacks: A tower shall not exceed the height limitations of the zone. The tower shall meet the setback requirement of the zone or shall be set back one (1) foot for every ten (10) feet of tower height.
2. Construction Standards: The tower shall be constructed to the Telecommunications Industry Association/Electronic Industries Association, 222 Revision F. Standard Ordinance "Structural Standards for Steel Antenna Supporting Structures", or as hereinafter amended.
3. Fall Zone: Shall consist of the land area centered beneath the tower and a circumscribed circle with a radius equal to a length of one (1) foot for every ten (10) feet of tower height. If the fall zone does not lie completely within the subject property, the applicant must obtain a non-revocable easement from all property owners within the fall zone that prohibits the construction

or placement of new structures within the fall zone. A copy of the easement fully executed shall be submitted as part of the application.

4. **Owners Responsibility:** The owners of the facility shall have a continuous obligation to ensure the maintenance and upkeep and to prevent the creation of a nuisance. The applicant shall fence and screen the entire facility with appropriate landscaping through the use of a slatted chain link fence or other methods approved by the Council.
5. **Cessation of Use:** The tower and associated facilities shall be removed within sixty (60) days of cessation of use. The applicant shall submit, with the application, the relevant portions of a signed lease agreement that requires the applicant to remove the tower and associated facilities upon cessation of use.
6. **Sharing of Facilities:** Co-location of Wireless Facilities on existing towers is preferred.
7. **Application:** In addition to the requirement of a conditional use application, the applicant shall submit supplemental information including, but not limited to, the following:
 - a) A description of the surrounding area within one (1) mile including topography, propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be placed at the chosen location.
 - b) Engineering data showing the tower is designed, structurally, electrically and in all other respects to accommodate the applicant's equipment, and that all other federal or state requirements or permits have been issued.
 - c) A report from a qualified licensed professional engineer that describes the facility height, design, and facility's capacity. The report must include the engineer's stamp and registration number.
 - d) Verification of compliance with the regulations and requirements of the following agencies, as applicable:
 - i. Federal Aviation Administration
 - ii. Idaho Transportation Department (Bureau of Aeronautics)
 - iii. If applicable, the proposed antenna shall conform to the provisions of any air terminal airport influence area with jurisdiction in the area.

SECTION 10.0 STANDARDS FOR MOBILE OR MANUFACTURED HOMES

- A. **Purpose:** This Section establishes the minimum standards for the location and approval of mobile or manufactured housing.
- B. **Development Standards:** The use of a manufactured or mobile home as a permanent residential dwelling on an individual lot shall be permitted in any zoning district which permits installation of a single-family site-built dwelling provided the following standards are met:
 1. **Manufactured homes shall:**
 - a) When erected on site is on a permanent chassis and designed to be used as a dwelling with a permanent foundation.
 - b) When connected to the required utilities, is in compliance with Idaho State Plumbing Code, National Electric Code, International Mechanical Code, and International Fuel Gas Code requirements for plumbing, heating, air conditioning, and electrical systems contained therein.
 - c) Except that such term shall include any structure which meets all the requirements, for which the manufacturer voluntarily files the certification required by HUD/FHA that indicates that the structure complies with the established standards.

2. No manufactured home shall be placed that has not been constructed to withstand a **minimum** 40 pound per square foot (40 PSF) roof live load, or the owner has provided for a separate roof cover that is constructed to provide the required roof live load.
3. Is permanently affixed per manufacturer's instructions. Footings (if required by manufacturer) shall be of poured masonry extending 36 inches below grade.
4. Has a crawl space with the following minimum measurements:
 - a) Eighteen (18) inches of clearance
 - b) Twelve (12) inches of clearance under beams
5. Complies with all applicable lot size, setback, and other requirements of the Zoning District in which it is to be located.
6. Provides two off-street parking spaces and shall be improved with such material to provide a durable and dust-free surface.
7. Provides right-of-way improvements in the same manner as site-built construction, in accordance with City policy.
8. All mobile homes must meet the rehabilitation standards as set forth in Idaho Code, Title 44.

C. Administration and Enforcement:

1. Application: Application shall be made with the City of Clark Fork on a prescribed form. The completed application shall be filed with the City Clerk along with all application and inspection fees as set by resolution of the City Council. The application shall include all information necessary to determine conformity with required development standards of this Section, including: exterior dimensions, siding material, foundation fascia material, roofing material, eaves overhang, and any other applicable information. The applicant shall also attach to the application:
 - a) A copy of the manufacturer's instructions for installation of the home on permanent footings.
 - b) A plot plan showing existing conditions and the proposed location of the home and other improvements at a scale of at least one (1) inch equals twenty (20) feet.
2. Certificates and Inspection: The applicant shall sign the completed application certifying the mobile or manufactured home meets the required development standards of this Section and that site development shall be in accordance with said standards and the plot plan submitted stating that once the mobile or manufactured home is permanently affixed the applicant shall comply with the requirement for the home to be declared as real property for taxation purposes. These certifications shall be made prior to the moving of the home to the building site.
3. Following application and plot plan approval by the Clark Fork City Council, the Mayor may issue a site permit for the footings and foundation. Upon satisfactory inspection of the footings and foundation for the attachment of the mobile or manufactured home, the Mayor or designated representative shall verify, in writing, that all development standards have been met as certified by the applicant. The home may then be attached to the foundation in accordance with the manufacturer's instruction, City Ordinances for permanent utility connections, and other building requirements.
4. Prior to occupancy a final inspection shall be made to assure proper attachment of the home to the foundation and placement of a proper foundation fascia.

D. Nonconforming Manufactured Homes:

A manufactured or mobile home which has legally been placed and maintained upon an individual lot prior to the effective date of this Ordinance shall be a legal nonconforming use. Such manufactured or mobile homes shall not be relocated within the City without conforming to all applicable provisions contained herein.

SECTION 11.0 MOBILE OR MANUFACTURED HOME PARK

- A. **Purpose:** The intent of this Section is to establish standards and regulations governing the location and approval of manufactured or mobile home parks in a manner that shall not adversely affect existing neighborhoods. For this reason, standards have been set that shall regulate the appearance of the park.
- B. **Standards:**
1. Manufactured or mobile homes shall not be placed any closer than fifteen (15) feet to another manufactured or mobile home or building. Existing pads in use are exempt.
 2. All accessory structures shall not be located any closer than fifteen (15) feet to another manufactured or mobile home or building which shall include, but not be limited to, structures attached to or located adjacent to a manufactured or mobile home such as awnings, carports, garages, porches, or steps.
 3. Where the manufactured or mobile home park boundaries adjoin a residential district without an intervening street; alley or other permanent open space at least twenty (20) feet in width, a yard of at least twenty feet (20) in minimum dimension shall be provided. Such yard may be used for open space but shall not contain parking areas, carports, recreational shelters, storage structures, or any other buildings.
 4. All manufactured or mobile home parks shall comply with all other applicable requirements of the Zoning District and the requirements of floodplain areas.
 5. Manufactured or mobile home parks shall comply with the standards set for public street, private streets, or roads.
 6. Exterior Lighting: The Park shall provide lighting at the entrance and other locations (as may be determined by the City Council) necessary for public safety and welfare. Lights are to be installed that shall not obstruct the visibility of any oncoming traffic.
 7. Drainage: Shall comply with ordinances of the City of Clark Fork.
 8. Manufactured homes or mobile homes for residential use sited within legally conforming and nonconforming manufactured home parks may be replaced with an equivalent year model or newer manufactured home, provided that the replacement was constructed after 1976 and bears the seal of the US Department of Housing and Urban Development indicating it has met the manufactured home construction and safety standards of the U.S. Department of Housing and Urban Development or has met the rehabilitation standards as set forth in Idaho Code, Title 44.

SECTION 12.0 RV (RECREATIONAL VEHICLE) PARKS OR COURTS

- A. **Purpose:** To provide the standards and requirements for the location, operation, and accommodations for a park or court for the purpose of providing camping facilities for recreational vehicle users. Facilities and real property regulated under this Section are held in single ownership and are not subdivisions. If a subdivision is contemplated for a facility regulated by this Section, the subdivision ordinance and related ordinances of the City of Clark Fork must also be followed.

It shall be unlawful for any person(s) to construct or operate any RV (Recreational vehicle) park or trailer/motor home park/court without first submitting an application to the City and obtaining approval.

- B. **Application:** All applications for permits pursuant to this Section shall show a complete plan of the proposed area to be used. Applications shall be accompanied by a plan of the area showing the following:
1. The extent and area used for camping purposes.
 2. The roadways and driveways, including the width and type of surface.
 3. The location of sites or units for RV, (Recreational vehicles), 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.
- C. Inspections: The City is hereby authorized to make regular inspections while construction takes place and a final inspection upon completion of any park/court.
- D. Site Development:
1. Exterior Lighting: The park/court shall be adequately lighted from dusk to dawn, with lights that shall not obstruct the visibility of traffic.
 2. Drainage: Shall comply with drainage requirements of the City of Clark Fork.
 3. Water, Sewage, and Plumbing: Each space shall be provided with water, sewage, plumbing, and electricity and comply with requirements of the City of Clark Fork Water System, Panhandle Health District, and the current plumbing code and electrical code.
 4. Space(s): Each space shall contain a minimum of one thousand (1,000) square feet, shall be at least twenty (20) feet wide and space boundaries shall be clearly defined. There shall be a minimum of fifteen (15) feet of space between RV's/motor homes/trailers.
 5. Number of Spaces: No greater number of RV (Recreational vehicles), travel trailers, or motor homes shall be allowed in any park/court than the number of spaces permitted.
- E. Service Buildings and Accommodations:
1. Each park/court containing ten (10) or more spaces shall provide one or more service building(s), adequately equipped with electrical and plumbing facilities. Restroom facilities shall include both male and female facilities with no less than two (2) bath or shower accommodations provided for each. The restrooms shall provide no less than two (2) toilets to each the male and female facility.
 2. Each service-building floor shall be of concrete, tile, or similar material impervious to water, and pitched to a floor drain. The service building shall be a permanent structure. All service buildings shall provide proper lighting within the structure twenty-four (24) hours a day. Each service building shall provide exterior lighting between dusk and dawn.
 3. Each park/court shall provide one (1) trash disposal area of sufficient size to accommodate up to 20 spaces and a maximum of one (1) additional trash disposal area of sufficient size to accommodate any additional spaces.
 4. All parks/courts with 15 spaces or more are encouraged to provide an open space area constructed in a manner to provide a recreational area for occupants of the park/court.
 5. Landscaping shall be subject to the requirements set forth in this ordinance.
- F. Protection: The park/court shall be subject to all the provisions of this ordinance, other city ordinances, current fire codes, and any other state or federal codes as required by law to promote and protect public safety.

SECTION 13.0 OFF-STREET PARKING AND LOADING

- A. Purpose: The purpose of this Section is to provide regulations and standards for off-street parking and loading facilities with the intent to minimize traffic hazards, congestion, and mitigate impacts on surrounding properties.
- B. Application of Provisions:
1. No building or structure shall be erected, substantially altered or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Section. The following standards shall apply to any new construction, alteration, or moving of a structure or any new or more intense use of land. The number of off-

street parking spaces, to be provided in accordance with this Section, shall be provided for all permitted, accessory, or conditional uses in any district. A greater number of spaces may be required by the Clark Fork City Council. Off-street parking and loading facilities shall be subject to review by the City Council.

2. A site plan shall include the location, size, and type of all proposed off-street parking and loading facilities, and verification that minimum off-street parking and loading requirements have been satisfied.
3. If the proposed development project is to be completed in phases; such phases shall be noted on the site plan.
4. 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 Section, the City Council may permit such plans.
5. Off-street parking and loading shall be constructed to the satisfaction of the City Council, in accordance with the approved site plan.
6. No parking area or space provided as required by this Section shall later be eliminated reduced or converted in any manner unless other equivalent facilities approved by the City Council are provided.
7. The number and design of accessible handicap parking spaces shall be in accordance with the Americans With Disabilities Act.
8. For mixed uses, the total requirement of off-street parking spaces shall be the sum of the requirements of the individual uses.
9. Joint Use Agreement: Principal operating hours of the building, structure, or use shall not be in substantial conflict. The off-street parking shall be located not more than six hundred (600) feet from the primary entrance of the structure to the nearest entrance of the parking area, and a written agreement involved with the joint use of an off-street parking facility may be approved by the City Attorney, executed and submitted to the City Council, and recorded after Council approval. 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 within sixty (60) days after the agreement was terminated.
10. All parking spaces required by this section shall be located on the same property as the use(s) for which parking is required.
11. Required parking spaces shall be used for vehicle parking only. No vehicle sales or sales of any kind, storage, repair work, or dismantling shall be permitted.

C. Design and Maintenance:

1. Paving: The required number of parking and loading spaces in the Commercial and Light Industrial Zones as set forth in this Section together with driveways, aisles, and other circulation areas shall be paved. The required parking spaces in the Residential Zones may be paved or gravel.
2. Drainage: 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. All parking and loading area drainage plans shall be approved by the City Council.
3. Access: Access driveways for parking areas or loading spaces 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.

4. **Maintenance:** The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris. All parking spaces shall be marked and markings periodically refinished as needed.
5. **Lighting:** Any lighting provided to illuminate any public or private off-street parking facility shall be in compliance with this ordinance.
6. **Screening and Landscaping:** Shall comply with this ordinance.

D. Location of Parking Spaces:

1. The following regulations shall govern the location of off-street parking spaces and areas:
 - a) Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
 - b) Parking spaces for commercial, industrial, or institutional uses shall be located not more than six hundred (600) feet from the principal use.
 - c) Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the principal use.
2. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, or hospital or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a single-family residence, the parking area shall not be located within the front yard required for such building and in no case shall any part of a parking area encroach on a public right of way.
3. Off-Street Parking Design and Dimension Tables:

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Curb Length</u>	<u>Stall Depth</u>	<u>1-way Driving Aisle</u>	<u>2-way Driving Aisle</u>
0°	9'0"	23'0"	9'0"	12'0"	25'0"
30°	9'0"	18'0"	17'8"	12'0"	25'0"
45°	9'0"	12'9"	20'5"	13'0"	25'0"
60°	9'0"	10'5"	21'10"	16'0"	25'0"
90°	9'0"	9'0"	20'0"	22'0"	25'0"

E. Schedule for Parking Requirements:

For the purpose of this Ordinance, the following space requirements shall apply:

TYPE OF USE

PARKING SPACES REQUIRED

RESIDENTIAL

Apartments or Multi-family Dwelling	2 for each dwelling unit
Boarding Houses, Rooming Houses, Houses or 1 for each permanent occupant (which have sleeping rooms)	1 for each sleeping room Dormitories and Fraternity
Child Care Facilities	1 per 6 children
Mobile Home Park	1 for each unit, plus 1 for each 5 units
Single-family or Two-family Dwelling	2 for each dwelling unit

COMMERCIAL

Automobile Service and/or Fueling	1 for each 2 gasoline pumps 2 for each bay service
Banks, Financial Institutions and similar uses	1 for each 200 sq. ft. of gross floor area
Bars	1 per 100 sq. ft. of gross floor area
Bowling Alleys	4 for each alley or lane, plus 1 additional for each 100-sq. ft. of the area used for restaurant, cocktail lounge or similar use
Child Care Facilities	1 per 6 children
Dance Floors, Skating Rinks	1 for each 100-sq. ft. of gross floor area plus 1 for every 2 employees
Dining Rooms, Restaurants, Nightclubs, Taverns	1 for each 100 sq. ft. of gross floor area plus 1 for every 2 employees
Funeral Parlors, Mortuaries	1 for each 100 sq. ft. of floor area
Hotels, Motels	1 for each sleeping room, plus 1 for every 2 employees
Offices, Public or Professional Administration, Public Service Medical	1 for each 200 sq. ft. of gross floor area
Outdoor swimming pools	1 for each 5 persons capacity
Public Community Centers, Auditoriums, Sports Arenas, Theaters and similar Uses	1 per 100 sq. ft. of gross floor area plus 1 for each 2 employees
Retail Stores	1 for each 250 sq. ft. gross floor area
RV (Recreational Vehicle), Travel Trailer	1 for each space in Park/Court
All other types of business or commercial uses permitted in any business district	1 for each 250 sq. ft of gross floor area

INSTITUTIONAL

Business, Technical and Trade schools	1 for each 2 students
Churches and other places of Religious Assembly	1 for each 5 seats
Colleges, Universities	1 for each 4 students
Hospitals	1 for each bed
Libraries, museums and art galleries	1 for each 400-sq. ft. floor area

Medical and dental clinics	1 for every 200 sq. ft. floor area of examination, treating room office and waiting room
Manufacturing	1 per 500 sq. ft. of gross floor area
Sanitariums, Homes for the Aged, Nursing Homes, Children's Homes, Asylums and similar uses	1 for each 2 beds
Schools (elementary)	1 per 6 persons based on an occupant load of the Auditorium, Gymnasium or Lunchroom, whichever is larger
Schools (middle)	1 per 4 fixed seats of Gymnasium
Schools (Senior High)	4 per classroom plus 1 per 4 fixed seats of Gymnasium or Auditorium

The City Council shall determine the appropriate parking spaces required for land uses not specifically mentioned.

F. Additional Loading Space Regulations and Requirement:

1. Use of Parking Space to Satisfy Requirements Prohibited: In no case shall the required off-street loading berths be part of the area used to satisfy off-street parking requirements.
2. Location: The off-street loading facilities required for the uses mentioned shall not project into the public right of way.
3. Size: The size of an off-street loading space shall not be less than the following, exclusive of access platform and loading area:
 - a) Length: Thirty-five (35) feet
 - b) Width: Fifteen (15) feet
4. Access:
 - a) Loading areas shall be designed so vehicles shall not back out into streets or alleys.
 - b) Design and location of entrances and exits for required off-street loading areas shall be subject to review.
 - c) No off-street loading space shall be located closer than 50 feet to an abutting residential district unless wholly enclosed within a structure. No off-street loading shall face an abutting residential district.
 - d) Any off-street loading space located within 50 feet of a residential district shall not operate between the hours of 10:00 pm and 7:00 am.
5. Loading Area Requirements and Dimensions:
 - a) For commercial or industrial uses having up to ten thousand (10,000) square feet of floor area, an accessible loading area of at least five hundred twenty-five (525) square feet shall be provided.
 - b) For commercial or industrial uses having more than ten thousand (10,000) square feet of floor area, an accessible loading area of at least five hundred twenty-five (525) square feet shall be provided for the first ten thousand (10,000) square feet of floor area. Additional loading area shall be provided at the rate of five hundred twenty-five (525) square feet of accessible

loading space for each additional twenty-five thousand (25,000) square feet or portion thereof of floor space.

SECTION 14.0 NONCONFORMING USES

- A. Purpose: It is the intent of this Ordinance to permit nonconforming uses to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- B. Authority to Continue Nonconforming Use: If a lawful use involving individual structures, or of a structure and land in combination, existed on or before the effective date of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. Additions or Alterations: No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 2. Expansion: No nonconforming use shall be extended to occupy any additional land area.
 3. Change to Conforming Use: Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
 4. Discontinuance of Nonconforming Use: When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), the City may require the landowner to declare in writing the intentions for continued use or nonuse of the property, pursuant to Idaho Code §67-6538. If the landowner responds to the request, the City shall administer the abandoned use in accord with Idaho Code §67-6538. If the landowner fails to respond, the structure shall not be used except in conformity with the standards of the zoning district in which it is located.
 5. Elimination of Nonconforming Structure: Where nonconforming use status applies to a structure and land in combination, removal, or destruction of the structure shall eliminate the nonconforming status of the land.
- C. Extension or Enlargement of Nonconforming Use: Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use shall not be extended or enlarged after the effective date hereof by attachment on building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.
- D. Repairs, Maintenance, and Restoration:
1. 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 Ordinance 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.
 2. A nonconforming principal structure that is destroyed by any means may be reconstructed or replaced, provided:
 - a) A site permit is authorized by the City.

- b) The reconstruction or replacement is approved and construction completed within one year of the destruction of the structure, unless City Council grants an extension due to extenuating circumstances.
- c) The replacement structure shall not enlarge the nonconformity of the original structure.
- d) The replacement structure shall not encroach upon public rights-of-way, public property; or adjoining properties, whether or not the original structure was encroaching.
- e) The replacement structure shall meet all flood damage prevention standards of city code.

E. Nonconforming Lots of Record:

- 1. Single Nonconforming Lots of Record: In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date hereof, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area, width, or both that are generally applicable in the district; provided, that hard dimensions and requirements other than those applying to area, width, or both of the lot shall conform to the regulations for the district in which such lot is located.
- 2. Nonconforming Lots of Record in Combination: If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the effective date hereof, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminished compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

- F. Buildings Under Construction: To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date hereof and upon which actual building construction has been carried on diligently.

SECTION 15.0 ZONING ADMINISTRATION

The following section provides the procedures and standards for the consideration of various land use applications. These procedures provide for a process that is consistent with the Idaho Local Land Use Planning Act and ensures applications are considered in a timely manner and with due process.

Subsection 15.1 Conditional Uses

A conditional use is a use that due to its nature is not permitted outright in a zone district, but may be authorized pursuant to the standards and procedures of this section. A conditional use is a use specifically listed by this ordinance as conditional use in a given zone. Any use that is permitted as a conditional use in a district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall, without further action, be considered a conforming one.

- A. Application for A Conditional Use Permit: An application for a Conditional Use Permit shall be filed with the City Clerk by at least one owner of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:
- 1. Name, address, and phone number of applicant(s).
 - 2. Legal description of property.
 - 3. Description of existing use.
 - 4. Current zoning district.
 - 5. Description of proposed conditional use.

6. A plan for the proposed site for the conditional 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 City Council may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
 7. 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.
 8. A list of all property owners and their mailing addresses who are within three hundred (300) feet of the external boundaries of the land being considered.
 9. A fee as set by resolution of the City Council.
- B. Procedure for Conditional Use Permit Applications: Prior to granting a Conditional Use Permit, the City Council shall hold a Public Hearing in which interested persons shall have an opportunity to be heard on each Conditional Use Permit application. Such Public Hearing shall be scheduled on the next available date after receipt of a complete application, allowing sufficient time to provide public notice as required by the Local Land Use Plan. Additional time to schedule the Public Hearing may be required if the City Council requests additional information from the Applicant, the application is incomplete, or the Mayor or City Attorney requests additional time. The City Council may approve, conditionally approve or deny a Conditional Use Permit under the conditions and standards as herein specified and considering such additional safeguards as shall uphold the intent of this Ordinance.
1. Action by the City Council: The Council shall approve or deny the application unless the Council requests additional information from the Applicant or other entities. The Council shall follow notice and hearing requirements set forth in Subsection 15.5 of this Ordinance. If the application is approved or approved with modifications, the Council shall direct the City Clerk to issue a Conditional Use Permit listing the specific conditions specified by the Council for approval.
 2. Upon granting or denying an application, the Council shall specify the reasons for approval or denial; and if denied, the actions, if any, that the Applicant could take to obtain a permit.
 3. Notice to Applicant: After a decision has been rendered, the City Clerk shall provide the applicant with written notice of the City Council's action on the request.
- C. General Standards for Conditional Uses: The City shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:
1. Shall, in fact, constitute a conditional use as established in this Ordinance for the zoning district involved.
 2. Shall not be harmonious with and in accordance with the general objectives or with any specific objective of in conflict with the Comprehensive Plan and/or this ordinance.
 3. Shall 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 shall not change the essential character of the same area.
 4. Shall not be hazardous or disturbing to existing or future neighboring uses.
 5. Shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, 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.
 6. Shall not create excessive additional requirements at public cost for public facilities and services and shall not be detrimental to the economic welfare of the community.

7. Shall not involve uses, activities, processes, materials, equipment, and conditions of operation that shall be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
 8. Shall have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
 9. Shall not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- D. Supplementary Conditions and Safeguards: In granting any conditional use, the City Council may prescribe appropriate conditions, bonds and safeguards in conformity with this Ordinance. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance. Conditions may be attached to said permit including, but not limited to:
1. Minimizing adverse impact on other development.
 2. Controlling the sequence and timing of development.
 3. Controlling the duration of development.
 4. Assuring that development is maintained properly.
 5. Designating the exact location and nature of development.
 6. Requiring the provision for on-site or off-site public facilities or services.
 7. Requiring more restrictive standards than those generally required in this Ordinance.
- E. Commencement and Discontinuation of Use: If development is not commenced within one year of granting of the permit, or if the use is discontinued for more than one year, the Conditional Use Permit becomes void, except as may be provided at Idaho Code, Section §67-6538 when vacancy occurs.
- F. Effect of Issuance on Other Conditional Uses: A Conditional Use Permit shall not be considered as establishing a binding precedent to grant other conditional use permits.

Subsection 15.2 Variances

A variance is a modification of the bulk and placement requirements of this ordinance as to lot size, lot coverage, width, depth, yard setbacks, parking space, height of structures, or other ordinance provisions affecting the size or shape of a structure, the placement of a structure upon a lot, or lot size or design.

- A. Authority to Grant Variances: The City Council may authorize, in specific cases, such variance from the terms of this Ordinance as shall not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in undue hardship because of characteristics of the site. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in undue hardship.
- B. Application and Standards for Variance: A variance from the terms of this Ordinance shall not be granted by the Council unless a written application for a variance is submitted to the City Clerk and the Council containing:
1. Name, address and phone number of applicant(s).
 2. Legal description of property.
 3. Description of variance requested.
 4. A narrative statement demonstrating that the requested variance conforms to the following standards:

- a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b) That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - c) That special conditions and circumstances do not result from the actions of the applicant.
 - d) That granting the variance requested shall not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- 5. A list of all property owners and their mailing addresses who are within three hundred (300) feet of the external boundaries of the land being considered.
 - 6. A fee as set by resolution of the City Council.
 - 7. A variance shall not be granted unless the Council makes specific findings of fact based directly on the particular evidence presented to it that support conclusions that standards 1 through 4 of Subsection 15.2 are met.
 - 8. A variance shall not be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.
- C. Supplementary Conditions and Safeguards: Under no circumstances shall the Council grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any variance, the Council may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- D. Procedure for Variance Applications: Public Hearing Notice - Prior to granting a variance, a Public Hearing in which interested persons shall have an opportunity to be heard shall be held. Once the completed application has been submitted, a public hearing before the City Council shall be scheduled as described in Subsection 15.5 of this Ordinance.

Subsection 15.3 Amendments

- A. Rezone: Upon application submitted to the City Clerk, the Council may authorize a rezone, after complying with the notice and hearing procedures as outlined in Subsection 15.5 of this Ordinance. The Council shall make findings which shall be supported by evidence in the hearing record to determine whether the proposed rezoning:
- 1. Complies with the City of Clark Fork Comprehensive Plan.
 - 2. Is consistent and compatible with the overall land use pattern and existing zoning designations.
 - 3. Shall not constitute special or privileged treatment of the parcel of land.
 - 4. Shall benefit the public interest and not solely the subject landowner.
 - 5. Shall not be materially detrimental to the public health, safety, and welfare.
- B. Application for Map Amendment: Applications for amendments to the Official Zoning Map or adopted Comprehensive Plan map, shall contain at least the following information:
- 1. Name, address, and phone number of applicant(s).
 - 2. Proposed amending ordinance, approved as to form by the Council.
 - 3. Present land use.
 - 4. Present Zoning District.
 - 5. Proposed zone or comprehensive plan designation.

6. Reason for proposed zoning district or comprehensive plan map change.
 7. A vicinity map at a scale approved by the City Council showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Council may require.
 8. A list of all property owners and their mailing addresses who are within three hundred (300) feet of the external boundaries of the land being considered.
 9. A statement on how the proposed amendment relates to the Comprehensive Plan, availability of public facilities, and compatibility with the surrounding area.
 10. A fee as established by resolution of the City Council.
 11. A legal description of the subject property; stamped by an Idaho-licensed surveyor.
 12. Other information requested by the Mayor, City Attorney, or the City Council.
- C. General Procedure for Amendments: Zoning Districts or Comprehensive Plan Maps shall be amended in the following manner:
1. Effect of Amendment Approved: Amendments to the official Zoning or Comprehensive Plan Map shall be in accord with Title 67, Chapter 65, of Idaho Code. Any amendments approved in accord with these procedures shall be depicted on the official map and the enacting ordinance or resolution noted.
 2. Resubmission of Application: No application for a reclassification of any property which has been denied by the Council shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purpose within a period of one year from the date of such final action, unless there is an amendment in the Comprehensive Plan which resulted from a change in conditions as applying to the specific property under consideration.
- D. Text Amendments: The City Council may amend, supplement, or repeal the provisions of this code, pursuant to the noticing requirements of this section and the standards of the Local Land Use Planning Act. Prior to enacting any such amendments or changes, the City Council shall conduct at least one Public Hearing and shall determine that the amendment is in accord with the policies set forth in the adopted Comprehensive Plan. Any citizen, landowner, or taxpayer may petition the City Council to amend the text of this code after first reviewing the proposal with the City.

Subsection 15.4 Zoning Upon Annexation

In conjunction with annexation of an unincorporated area, the Council shall follow the notice and hearing procedures for amending the Comprehensive Plan Map and official Zoning Map set forth in Subsection 15.6 of this Ordinance. Following the adoption of an ordinance of annexation, the Council shall amend the Comprehensive Plan and official Zoning Map.

Subsection 15.5 Schedule of Fees, Charges, and Expenses

The Council shall establish a schedule of fees, charges and expenses and a collection procedure for Amendments, Variances, Conditional Use Permits, Mobile/Manufactured Homes Siting Permits, Planned Unit Developments, Signs, Site Plans, other plan approvals and matters pertaining to the administration, and enforcement of this Ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the City Clerk and may be altered or amended only by the Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

Subsection 15.6 Notices, Publishing, and Hearing Procedures

A. Notice and Publishing Requirements:

1. Hearing notices and publishing must follow the notification process set out in the Local Land Use Planning Act, Title 67, Chapter 65 of the Idaho Code.

2. When notice is required to two hundred (200) or more property owners or purchases of record, sufficient notice shall be provided by 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.
 3. All Public Hearings shall be conducted in accord with the procedures adopted by resolution of the City Council.
- B. Public Hearing Decisions: Following the Public Hearing and final City Council action on an application, the City shall provide a written decision to the applicant within a reasonable time that specifies:
1. The outcome of the vote.
 2. The ordinance and standards used in evaluation the application.
 3. The reasons for the approval or denial.
 4. The actions, if any, that the applicant could take to obtain approval.
 5. The applicant's rights to request a regulatory takings analysis or judicial review, pursuant to Idaho Code.
- C. Mediation: The procedures for processing applications established by this ordinance shall include the option for mediation at any point in the decision-making process, pursuant to procedures of Idaho Code §67-6510.
- D. Appeals/Reconsideration:
1. Appeal of City Council Decision: Any affected person aggrieved by the final decision of the City Council may seek reconsideration or judicial review as provided by Title 67, Chapter 65, Idaho Code, as the same may be amended.
 2. Appeal of Administrative Decision: Any final decision made by administrative staff in the application of this Ordinance may be appealed to the City Council. The appeal shall be in writing and shall contain the reasons for such appeal and any supporting documentation. The appeal shall be filed within thirty (30) days of the administrative final decision. The City Council shall consider the appeal at its next available meeting, allowing sufficient time for required meeting notice. No appeal shall be granted that would constitute a variance or special exception to the regulations of this Ordinance.

SECTION 16.0 SITE PLAN APPLICATION REQUIREMENTS

Prior to erecting, constructing, altering, moving, expanding, or otherwise changing the use of a building or structure in the City, a Site Plan Application must be filed with the City.

- A. Site Plan Application: The Site Plan Application (Setback Permit and Plot Plan) shall contain at a minimum a site plan drawn to scale showing the following:
1. Residential Site Plan:
 - a) Physical address of property.
 - b) Roofline and foundation dimensions of all existing and planned buildings, located, or to be located on the site.
 - c) Dimension of property showing road frontage.
 - d) Required setbacks.
 - e) Location of existing trees and structures, if any.
 - f) Location of off-street parking.

- g) Location of walls and fences and indication of their height and material of construction.
 - h) Location and designation of all rights of way and easements.
 - i) Scale and North arrow.
2. Commercial Site Plan:
- a) Physical address of property.
 - b) Roofline and foundation dimensions of all existing and planned buildings, located, or to be located on the site.
 - c) Dimension of property showing road frontage.
 - d) Required setbacks.
 - e) Location of existing trees and structures, if any.
 - f) Location and dimensions of streets and highway designations.
 - g) Location of off-street parking and loading facilities.
 - h) Location and dimensions of points of entry and exit for vehicles and internal circulation patterns.
 - i) Location of walls and fences and indication of their height and material of construction.
 - j) Exterior lighting standards and devices.
 - k) Location and size of signs.
 - l) Required setbacks and Landscape plan.
 - m) Storm water management plan.
 - n) Location and designation of all rights of way and property lines.
 - o) Vicinity map at scale showing current land segregation and existing land uses within three hundred feet of the subject property.
 - p) Scale and North arrow.
3. Existing Structures and Sites: Applications involving conversion, remodeling, restoration, renovation, enlargement, or expansion of existing structures or sites shall contain information sufficient in content and detail so that the City Council may be assured the applicant complies with the provisions of this Ordinance.

B. Procedure for Applications:

- 1. An application for a site plan approval shall be filed with the City Clerk on a form approved and provided by the City.
- 2. The Site Plan Application fee, as set by resolution of the City Council, shall be paid at the time of application.
- 3. Action by the City Council: The City Council will review the application at the next available date for approval or denial of the application.
- 4. If the application is denied, the Council will list the reasons for denial and the actions that the Applicant could take to receive approval.

- C. Term of Approval: Any approval given pursuant to the provisions of this Ordinance shall lapse and become null and void six (6) months following the date on which it was given, unless, prior to the expiration date, construction, or development is commenced and diligently pursued toward completion on the site which was the subject of the application. Upon written request to the City Clerk, containing the reasons thereof, an extension of time for development, not to exceed an additional six (6) months, may be granted by the City Council.

- D. Modifications: After approval of an application, the applicant may request a modification(s) to the approved development plans or conditions. Such request shall be made upon an application form and shall be determined pursuant to the standards set forth in this Ordinance.
1. Administrative Approvals: The Mayor or designee is authorized to approve minor modifications as specified below:
 - a) Modifications proposed for any development application.
 - b) Minor relocation of building pads or dwelling units due to conditions such as unanticipated topography, road alignment or easements; provided that the modification does not significantly alter the site design in terms of parking layouts, vehicular circulation, landscape design, and other similar components of the development plans and provided ordinance requirements are still met.
 - c) A minor modification to a recreation area or open space design, but not elimination or a significant reduction.
 - d) A minor change to landscape design/plant material changes.
 - e) A minor change to parking lot/site plan.
 2. City Council Approvals:
 - a) Any change that may impact an adjoining residential neighborhood.
 - b) Any change that was the subject of debate or appeal during the initial public hearing process.
 - c) Any requests that in the opinion of the City Council which would significantly alter the design of the site and/or building(s).
 - d) A request to change or delete a condition of approval previously established by the City Council.

SECTION 17.0 VIOLATIONS AND PENALTIES

- A. Complaints Regarding Violations: Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the City Clerk. The City Clerk shall properly record such complaint, immediately investigate and take action thereon as provided by this Ordinance.
- B. Penalties: The City Attorney may, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this Ordinance. Penalties for failure to comply with or violations of the provisions of this Ordinance shall be as follows:
1. Failure to comply with the provisions of this Ordinance shall constitute a misdemeanor. Each day such violation exists may be considered a separate offense, subject to the penalty of a fine of one thousand (\$1,000.00) dollars, not more than six (6) months incarceration in the County Jail, or both such fine and imprisonment.
 2. In addition to the criminal penalties above, the City of Clark Fork may proceed against the violator by initiating civil legal action in a court of competent jurisdiction. In the event the City prevails, the violator shall be responsible for all costs including a reasonable sum for attorney's fees.
 3. Nothing herein contained shall prevent the City Council, any other public official, or private citizen from taking such legal action as may be necessary to restrain or prevent any violation of this Ordinance or the Idaho Code.

SECTION 18.0 SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a

separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 19.0 REPEAL OF ORDINANCES

This Ordinance hereby repeals Ordinance No. 216 Setback and Ordinance No. 222 Zoning and all previous ordinances of the City of Clark Fork, Idaho to the extent of conflict herewith.

SECTION 20.0 SAVINGS CLAUSE

Ordinances repealed by this Ordinance shall remain in force to authorize the enforcement, arrest, prosecution, conviction, or punishment of a person who violates ordinances in effect prior to the effective date of this ordinance.

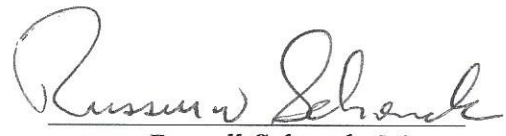
SECTION 21.0 EFFECTIVE DATE AND PUBLICATION

This Ordinance shall take full force and effect following its approval, passage, and publication according to law.

PASSED AND APPROVED by the City Council and the Mayor under suspension of the rules upon which a roll call vote was taken and duly enacted as an Ordinance of the City of Clark Fork, Bonner County, Idaho at a meeting of the Clark Fork City Council held on the 9th day of September, 2019.

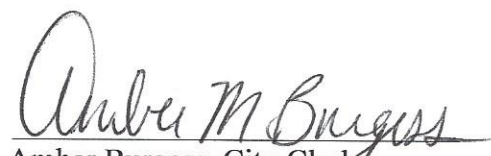


CITY OF CLARK FORK, IDAHO


Russell Schenck, Mayor

CITY COUNCIL MEMBERS	YES	NO	ABSENT
Stan Spanski	✓	_____	_____
Shari Jones	✓	_____	_____
Sharon Banning	✓	_____	_____
Jay White	✓	_____	_____

ATTEST:


Amber Burgess, City Clerk

Appendix A

RESIDENTIAL STREET CONSTRUCTION

Right-of-Way = Sixty (60) Feet

Paved Travel Way = Twenty (20) feet (with a two percent (2%) crown)

Overall Width – Twenty-four (24) feet (Twenty (20) foot travel way with two (2) foot shoulders)

Section: Place structural fabric over native sub grade, (if sub grade is non-granular material), then twelve (12) inches of four (4) inch minus pit run, then four (4) inches of three-quarter (3/4) inch minus crushed rock, then two and a half (2.5) inches of asphalt cement paving.

An alternate to installing two and a half (2.5) inches of asphalt cement paving would be to install six (6) inches of three-quarter (3/4) inch minus crushed rock (instead of four (4) inches) and apply a double shot of BST.

